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W.P.No.18386 of 2024



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 11.07.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.No.18386 of 2024**

Madheshwaran

...

Petitioner

*versus*

1.The District Collector,  
Office of the Collectorate  
Salem District.

2.The Tahsildar  
Office of Tahsildar  
Attur Taluk,  
Salem District.

...

Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 13.04.2024 by conducting property enquiry with regard to the petitioner's claim in the property in S.No.150/4 Narasingapuram Village, Salem District.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.A.Selvendran  
Special Government Pleader



**ORDER**

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By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 13.04.2024 by conducting property enquiry with regard to the petitioner's claim in the property in S.No.150/4 Narasingapuram Village, Salem District.

3. It is the case of the petitioner that the ancestral property was given to the petitioner by way of partition dated 12.12.1983. Since the properties are all ancestral in nature, the petitioner, his brother Ganesan along with paternal uncle Kaliyaperumal and his grand mother Ammakannu had entered upon the above deed of partition. As per the registered deed of partition, B schedule was allotted to Kaliyaperumal and C schedule was allotted to petitioner and his brother Ganesan. In the said deed of partition, S.No.150/4 consist of the larger extent of 2.45 acres, in that 1.22 ½ acre was allotted to the petitioner and Ganesan and rest of the property was allotted



to Kaliyaperumal. After the execution of above deed of partition, the property was possessed by petitioner and others by an oral arrangement with regard to the pathway. At that point of time, the petitioner's uncle had given 15 cents of land from his portion for the purpose of having access to the petitioner and his brother. In this regard, he had also executed an undertaking affidavit in favour of the petitioner. However, after the death of Kaliyaperumal, while obtaining legal heir certificate, Gunasekar who is the son of Kaliyaperumal had wilfully left out the name of Saraladevi who is none other than the daughter of Kaliyaperumal. The revenue officials had included the Gunasekar and his family members alone as legal heirs of Kaliyaperumal, which is not legally valid. With regard to 15 cents of land, which was admittedly possessed by the petitioner and his brother, the Revenue Officials without conducting any enquiry and field inspection, patta was issued in favour of Gunasekar and his family members. Being the authorities, the respondents are duty bound to conduct appropriate enquiry and in view of the execution of undertaking affidavit by Kaliyaperumal, his legal heirs are bound to execute a sale deed in his favour. Therefore, he made a representation dated 13.04.2024 to the



respondent authorities seeking patta in his favour by doing appropriate subdivision.

4. At the outset, this Court is of the view that nature of the relief and the dispute found from the affidavit indicates that the petitioner infact trying to establish right over an extent of 15 cents, said to have been given by Kaliyaperumal. The petitioner seeks a direction to authorities to specifically consider the undertaking affidavit given by Kaliyaperumal. The said aspects cannot be considered by the Revenue Authorities. If at all any cause of action survives, it is for the petitioner to work out the remedy in the Civil Court in the manner known to law.

5. In such view of the matter, I do not find any merits in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

**11.07.2024**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

msv



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To

1.The District Collector,  
Office of the Collectorate  
Salem District.

2.The Tahsildar  
Office of Tahsildar  
Attur Taluk,  
Salem District.

W.P.No.18386 of 2019





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**N.SATHISH KUMAR, J.**

msv

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**11.07.2024**