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W.P.No.29776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.29776 of 2024

N.Sundararajan
...Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Salem District - 636 001.
2. The District Revenue Officer,
District Collectorate Office,
Salem District - 636 001.
3. The Revenue Divisional Officer,
Salem Division, Salem - 636 001.
4. The Tahsildar, Salem Taluk,
Hasthampatty, Salem District - 636 007.
5. The Village Administrative Officer,
Thumbalpatty Village,
Salem District - 636 204.

...Responden

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to take appropriate steps to dispose of the appeal filed by the petitioner dated 25.03.2024 within a reasonable time frame and grant such other further relief



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as this Court may deem fit in the circumstances of the case.

For Petitioner : Mr.R.Suryakumaran

For Respondents : Mr.G.Krishnaraja
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the third respondent to dispose of the appeal filed by the petitioner dated 25.03.2024, within a time to be stipulated by this Court.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the property situated in survey No.26/6 in Thumbalpatti Village, Salem Taluk, Salem District was purchased by his father by utilizing sale proceeds of ancestral properties. After coming to know about the sale deed executed by the petitioner's father in favour of his sisters, the petitioner filed a suit in O.S.No.1481 of 2004 before the II Additional District Munsif Court, Salem seeking partition and obtained a



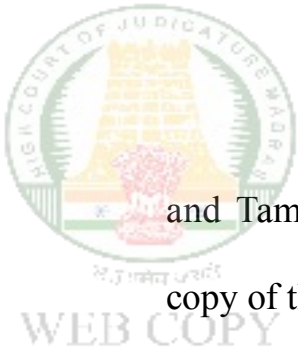
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preliminary decree on 04.01.2005 in respect of his share in survey no.26/6.

In the meantime, the petitioner's sisters namely Sivagami and Tamilselvi submitted an application before the fourth respondent seeking sub-division of the property in survey No.26/6. Based on the said application, the fourth respondent sub-divided the property in S.No.26/6 into S.Nos.26/6A and 26/6B and issued patta in respect of new Survey No.26/6B in favour of the petitioner's sisters. Aggrieved by the same, the petitioner filed an appeal before the third respondent dated 25.03.2024 and the same has not been considered till date. Therefore, the petitioner is before this Court.

4. Mr.G.Krishnaraja, learned Additional Government Pleader, who takes notice for the respondents would submit the appeal of the petitioner would be considered on its own merits and appropriate orders will be passed.

5. In view of the above submission made by the learned Additional Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the third respondent to consider the appeal filed by the petitioner dated 25.03.2024 and pass final orders, on merits and in accordance with law, after issuing notice to the petitioner and other interested parties including the petitioner's sisters Sivagami



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and Tamilselvi, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No

costs.

14.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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