



WP.No.36354 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36354 of 2024

Sakthivel

...Petitioner

Vs

1.The District Collector,
Dharmapuri District.

2.The District Revenue Officer,
Dharmapuri District.

3.The Revenue Divisional Officer,
Dharmapuri District.

4.The Tahsildar, Pennagaram
Taluk, Dharmapuri District.

5.The Village Administrative
Officer, Bikkampatti Village,
Dharmapuri District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to dispose of the petitioner's appeal dated 27.8.2024 to cancel the subdivision and restore the petitioner's father's name in the revenue records for the lands in survey No.152/5 situated at Pennagaram Taluk, Dharmapuri District as per the registered document in doc.No.



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650 of 1996 on the file of the Sub-Registrar, Pennagaram within a stipulated time as fixed by this Court.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondents : Mr.M.R.Gokul Krishnan, AGP

ORDER

Seeking a direction to the third respondent to dispose of his appeal dated 27.8.2024, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The short facts leading to the filing of this writ petition are as follows :

(i) The land comprised in S.No.152/5 measuring 75 cents, Pennagaram Taluk, Dharmapuri District was the ancestral property of the petitioner's grandfather - one Mr.Govindhan. The said Mr.Govindhan had four sons namely (1) Mr.Ramasamy; (2) Mr.Kandhan; (3) Mr.Lakshmanan, who is none other than the father of the petitioner; and (4) Mr.Chinnasamy. In the said land, the sons of the said Mr.Gonvindhan have been carrying on agricultural activities without any hindrance.



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(ii) After the demise of the said Mr.Govindhan, his sons had orally partitioned the said property and a portion of the land measuring 15 cents was taken over for the formation of Bikkampatti - Papparapatii Road. The remaining extent of 60 cents had been divided into two shares between the said Mr.Lakshmanan and the said Mr.Chinnasamy and from the date of division, they have been in absolute possession and enjoyment of their respective share.

(iii) The said Mr.Chinnasamy sold his share of 30 cents to the petitioner's father - the said Mr.Lakshmanan under a sale deed dated 13.5.1996 registered as doc.No.650 of 1996 on the file of the Sub-Registrar, Pennagaram. While so, the said Mr.Chinnasamy, who had parted with his entire share, subsequently executed a settlement deed in favour of his son - one Mr.Balasubramanian registered as doc.No. 2792 of 2022 by using the revenue records. The said settlement deed is not valid. However, based on the said settlement deed, subdivision has been effected and patta has been granted in the name of the said Mr.Chinnasamy.

(iv) Hence, the petitioner sent the appeal dated 27.8.2024 to the third respondent seeking to cancel the subdivision in respect of 60 cents of the said property and to restore the name of the petitioner's father in the revenue records. As there was no response from the third respondent, the petitioner has come forward with this



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writ petition.

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4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

5. The fourth respondent subdivided the land in question and granted patta to the said Mr.Balasubramanian, S/O Chinnasamy totally overlooking the fact that the patta stood in the name of the petitioner's father and no notice appears to have been served on the petitioner. This order has been challenged before the third respondent by filing an appeal even on 27.8.2024 itself. However, the said appeal has not been taken up for hearing.

6. In the light of the above, the writ petition is allowed and a Mandamus is issued to the third respondent to dispose of the appeal dated 27.8.2024 filed by the petitioner within a period of three months from the date of receipt of a copy of this order. No costs.

RS

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P.T.ASHA,J

RS

To

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