



WP.No.33345 of 2024

In the High Court of Judicature at Madras

Dated : 19.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33345 of 2024

Chandra

...Petitioner

Vs

1.The District Collector,
District Collector Office,
Coimbatore.

2.The District Revenue Officer,
District Collector Office
Campus, Coimbatore.

3.The Revenue Divisional Officer,
Coimbatore North, Coimbatore.

4.The Tahsildar, Tahsildar Office,
Mettupalayam Taluk,
Mettupalayam, Coimbatore.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 10.2.2021 seeking to include all the legal heirs of the deceased Arunachala Chettiar in Patta No.85 in respect of S.F.Nos.739 and 761/3 in Jadaiyampalayam Village, Mettupalayam Taluk, Coimbatore District within a time frame to be fixed by this Court.



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For Petitioner : Mr.L.Mouli
For Respondents : Mr.A.Selvendran, SGP

ORDER

The petitioner seeks a direction to the second respondent to consider the representation dated 10.2.2021 to include all the legal heirs of the deceased Mr.Arunachala Chettiar in patta No.85 in respect of S.F.Nos.739 and 761/3, Jadaiyampalayam Village, Mettupalayam Taluk, Coimbatore District.

2. The short facts culled out from the affidavit in support of the writ petition are as follows :

(i) The said Mr.Arunachala Chettiar, who is the paternal grandfather of the petitioner and her siblings, had acquired the said properties to an extent of 9.95 acres and was issued patta No.329. He was in possession and enjoyment of the said properties till his death intestate in the year 1948. The said Mr.Arunachala Chettiar had three sons and two daughters namely Mr.Rangasamy, Mr.Ramasamy, Mr.Kandasamy, Ms.Pappammal and Ms.Ponnuthai. After the death of the said Mr.Arunachala Chettiar, his three sons acquired title over the said properties and they had been in possession and enjoyment of the same and patta was also transferred in their names.

(ii) After the demise of the sons of the said Mr.Arunachala



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Chettiar, their legal heirs inherited the said properties. During the year 2010, the legal heirs of the said Mr.Arunachala Chettiar and his sons decided to partition the said properties. However, one Mr.K. Chandramohan, who is the son of the said Mr.Kandasamy, did not cooperate for the partition and this gave rise to a suspicion. Therefore, the petitioner inspected the encumbrance certificate in respect of the said properties and came to know that the said Mr.K.Chandramohan sold the property comprised in S.No.761/3 to one Mr.A.K.Balakumar, who, in turn, sold the same to one Ms.Indirani and again, the said Ms.Indirani entered into a sale agreement with one Mr.Mittalal Dugar.

(iii) The said Mr.K.Chandramohan also executed a sale deed in favour of his wife - Mrs.Geetha in respect of the other property in S.No.739. According to the petitioner, no notice was issued to the co-owners before the transfer of patta in the name of the said Mr.K.Chandramohan from patta No.329 to patta No.85.

(iv) Therefore, the petitioner and the other co-owners filed a suit in O.S.No.159 of 2014 on the file of the District and Sessions Court, Coimbatore seeking for partition, separate possession and declaration and it is still pending. The petitioner would further submit that the Revenue Inspector, Mettupalayam and the Village Administrative Officer, Jadaiyampalayam submitted a report to the third respondent recommending to include the names of the legal heirs of the said



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Mr.Arunachala Chettiar in patta No.85. However, neither this report nor the petitioner's representation did not evoke any response. Hence the writ petition.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

4. In the light of the above narration of facts and taking note of the pendency of the suit in O.S.No.159 of 2014 for partition, separate possession and declaration, the writ petition is allowed and a Mandamus is issued to the second respondent to consider the representation of the petitioner dated 10.2.2021 to include the names of all the legal heirs of the said Mr.Arunachala Chettiar into patta No.85 in respect of S.Nos.739 and 761/3, Jadaiyampalayam Village, Mettupalayam Taluk, Coimbatore District and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

19.11.2024

To

- 1.The District Collector,
District Collector Office,
Coimbatore.
- 2.The District Revenue Officer,
District Collector Office



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4.The Tahsildar, Tahsildar Office,
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Mettupalayam, Coimbatore.

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