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WP.No.35810 of 2024

In the High Court of Judicature at Madras

Dated : 05.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35810 of 2024

K.Vediyappan

Vs

...Petitioner

1.The District Collector,
O/o the District Collector,
Tirupattur District,
Tirupattur.

2.The Sub-Collector,
O/o the Sub-Collector,
Tirupattur District,
Tirupattur.

3.The Tahsildar,
O/o the Tahsildar,
Tirupattur Taluk,
Tirupattur District.

4.The Land Surveyor,
North Natrampalli,
O/o the Tahsildar,
Tirupattur Taluk,
Tirupattur District.

5.The Village Administrative
Officer, O/o the Village
Administrative Officer,
Mandalavadi Post,
Tirupattur Taluk,
Tirupattur District.

...Respondents



WP.No.35810 of 2024

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 17.10.2024 within the stipulated time frame by this Court and consequently direct the 3rd respondent to issue separate patta in the petitioner's name in respect of the property comprised in Survey No.30/1D in Joint Patta No.764 measuring an extent of 30 cents situated at Mandalavadi Village, Tirupattur Taluk and District.

For Petitioner : Mr.C.S.Vijayakumar
For Respondents : Mr.A.Selvendran, SGP

ORDER

Seeking a direction to the third respondent to consider his representation dated 17.10.2024 to issue a separate patta in respect of the property in Survey No.30/1D, Joint Patta No.764 measuring an extent of 30 cents situated at Mandalavadi Village, Tirupattur Taluk and District, the petitioner is before this Court.

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



WP.No.35810 of 2024

3. The case of the petitioner is as follows :

(i) The property measuring an extent of acres 2.1/4 cent situated at Mandalavadi Village, Tirupattur Taluk, Vellore District was originally owned by the petitioner's paternal grandfather and it is his ancestral property. After the demise of the petitioner's grandfather on 20.9.1996, the said property devolved upon his wife, his three sons and two daughters and they were enjoying the said property without any partition among themselves. But, joint patta No.764 stands in the names of all the legal heirs of the petitioner's grandfather.

(ii) The petitioner's father died on 01.9.2001 leaving behind him his wife and three sons, which included the petitioner as surviving legal heirs. The petitioner's grandmother died on 14.7.2015 leaving behind her the legal heirs of the petitioner's father, her two sons and her two daughters as surviving legal heirs. After her demise, the male descendants of the petitioner's grandfather alone orally partitioned the said property and other properties equally among themselves and were enjoying the same separately without any hindrance. Further, the suit filed by the two daughters and one son of the petitioner's paternal grandfather in O.S. No.8 of 2009 on the file of the Sub-Court, Tirupattur against the petitioner and six others seeking partition and separate possession, to appoint a commissioner for division and allotment and for permanent injunction came to be dismissed by



WP.No.35810 of 2024

judgment and decree dated 03.4.2014.

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(iii) One of the petitioner's paternal uncle also died and his son obtained a separate patta vide patta No.1635 in respect of his share. The other paternal uncle of the petitioner, who was one of the plaintiffs in the said suit, also obtained a separate patta in his name in respect of his share. Pursuant to the death of the petitioner's father, there has been an oral partition among the petitioner and his brothers into three equal shares namely 30 cents each.

(iv) Hence, the petitioner sent a representation dated 17.10.2024 to the respondents seeking to issue a separate patta in respect of Survey No.30/1D in Joint Patta No.764 measuring an extent of 30 cents situated at Mandalavadi Village, Tirupattur Taluk and District and it was received by the respondents. As it did not evoke any response, the above writ petition has been filed by the petitioner.

4. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to issue a separate patta in respect of the said property. The petitioner shall submit all the relevant records to show his title to the said property and the third respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders either granting a separate patta to the



WP.No.35810 of 2024

petitioner in respect of the said property or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of four months from the date of receipt of a copy of this order. No costs.

05.12.2024

To

- 1.The District Collector,
O/o the District Collector,
Tirupattur District,
Tirupattur.
- 2.The Sub-Collector,
O/o the Sub-Collector,
Tirupattur District,
Tirupattur.
- 3.The Tahsildar,
O/o the Tahsildar,
Tirupattur Taluk,
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WEB COPY



WP.No.35810 of 2024

P.T.ASHA,J

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WP.No.35810 of 2024

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