



W.P.(MD) No.22080 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22080 of 2024

Pushpalatha Milton

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent herein to dispose of the petitioner appeal, dated 25.07.2022 pending with the 2nd respondent in O.Mu.No.3847/2022/A4, dated 01.08.2022 as expeditiously as possible within a time stipulated by this Court.

For Petitioner : Mr.Senthil Kumar

For Respondents : Mr.D.S.Neduncheziyan
Government Advocate



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ORDER

Challenging the subdivision of the property and the joint patta issued in favour of one Krishnakumari and Srinivasan, the petitioner had filed an appeal before the 1st respondent on 25.07.2022. To date, neither enquiry nor orders have been passed in the said appeal. Hence, the petitioner is before this Court.

2. The petitioner would submit that originally an extent of 107.43 acres of punja land comprised in Survey No.1/2 at Pottipuram village, Uthamapalayam Taluk, Theni District was owned by Kunjal Jakkama Nayakar, Veera Kamulammal and Veeralakshmi Ammal. The said Kunjal Jakkama Nayakar had sold an extent of 53.77 acres in favour of one E.R.A.Sambasivarao under a registered sale deed of the year 2007 and thereafter the land was subdivided as Survey No.1/2A. Out of this extent, E.R.A.Sambasivarao sold an undivided extent of 30.08 acres in favour of M/s.A.T.M.City Developers under a registered document of the year 2011 and another extent of 23.64 acres was gifted by the said E.R.A.Sambasivarao in favour of his son Srinivas under a registered gift



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deed of the year 2012. The petitioner purchased an extent of 26.86 acres from the balance extent of 53.72 acres from the said Kunjal Jakkama Bayakar and 2 others under a registered sale deed of the year 2007 and therefore, he became the owner of 26.86 acres. The petitioner would submit that though all the sale transactions has been made in respect of undivided shares, the 2nd respondent appears to have subdivided Survey No.1/2 and issued joint patta in the name of Krishnakumari and Srinivasan without including the name of the petitioner. The petitioner would submit that without the parties partitioning and demarcating their respective properties, all of them owned an undivided share. Therefore, the petitioner had submitted an appeal before the 1st respondent on 25.07.2022 which to date has not been taken up for hearing. Therefore, the petitioner is before this Court.

3. Considering the fact that for over 2 years, the 1st respondent has not considered the petitioner's appeal which is filed challenging the subdivision being effected without partition, a mandamus is issued to the 1st respondent to dispose of the petitioner's appeal, dated 25.07.2022



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within a period of six (6) weeks from the date of receipt of copy of this order.

4. With the above directions, this Writ Petition stands allowed. No costs.

18.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam,
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P.T.ASHA, J.

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