



W.P.(MD) No.3884 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.3884 of 2017

C.Mahesh

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.The Village Administrative Officer,
Puliyampatti Village,
Palani Taluk,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to make entries in the revenue records by including the sub divisions in Survey Nos.292/6, 293/1F, 293/1C, 294/1, 295/1, 295/2 situated at Puliyampatti Village, Palani Taluk, Dindigul District based on Patta No. 732 by considering the petitioner's representations, dated 01.08.2016 and 09.11.2016 within the time stipulated by this Court.



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For Petitioner : Mr.K.Chengizkhan

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

ORDER

The petitioner seeks a mandamus to the respondents to make entries in the revenue records by including the subdivisions made to Survey Nos.292/6, 293/1F, 293/1C, 294/1, 295/1, 295/2.

2. The facts that have been set out are as follows:

The aforesaid survey numbers are situated at Puliyampatti Village, Palani Taluk. This belongs to the petitioner's forefathers. Ultimately, property devolved on the petitioner's father and his brothers and they have been enjoying the same without any interference absolutely. On 18.04.2000, the petitioner's father Chinnasamy and his 2 brothers had entered into a partition and the properties were divided into three schedules classified as A, B and C. "B" schedule was allotted to the petitioner's father's share. The properties were equally divided between the petitioner's father and his 2 brothers and after the partition, they have been independently enjoying their respective shares. The properties were



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subdivided and separate patta was issued. The petitioner's father's property which has been described in the “B” schedule to the partition deed was subdivided as Survey Nos.292/6B, 293/1C1, 293/1F2A, 294/1A and 295/2B. Patta No.732 was also issued to the petitioner's father.

3. The petitioner would submit that since his father was not able to manage the property due to his age, a partition deed was entered into between the petitioner and his brother Kumaravel and his father on 05.02.2016. The properties given to his father under the partition deed, dated 18.04.2000 was allotted to the petitioner's share as “B” schedule and the petitioner's father was allotted “A” schedule and his brother was allotted to “C” schedule which was a sum of Rs.30,00,000/- each. After the partition on 05.02.2016, the petitioner had taken steps to mutate the patta in his name. However, in this process, he came to learn that the subdivisions had not been reflected in the adangal, FMB and “A” register and it was only in the pata that the subdivisions were reflected. Therefore, the petitioner submitted a representation on 01.08.2016 to the



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2nd respondent calling upon him to make necessary entries including these subdivisions as per the patta issued in favour of his father. However, to date, there has been no response. Therefore, the petitioner is constrained to approach this Court.

4. A counter affidavit has been filed by the 2nd respondent contending that there was no subdivision as pleaded by the petitioner. The contention of the respondents is that in Patta No.732, only the properties in Survey No.295/2B alone is included and the lands in Survey Nos.294/1, 293/2C, 293/1F2A and 292/6 does not find a place there. They would submit that the lands in Survey Nos.194/1 and 293/1C are comprised in Patta No.196, Survey No.293/1F2A is comprised in Patta No.475 and Survey No.292/6 is comprised in Patta No.275. The patta stands in the name of Deva Gounder @ Vellachamy and his sons Chinnasamy, Duraisamy along with Karuppasamy. Patta No.732 stood in the name of Chinnasamy. The respondents would submit that this was informed to the petitioner after receiving his representation. Therefore, the contention of the petitioner is totally false.



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5. Heard the learned counsel on either side.

6. A perusal of the documents filed in the typedset would indicate that on 03.12.2013, Patta No.732 issued in the name of Chinnasamy s/o Deva Gounder @ Vellachamy is comprised in Survey Nos.292/6B, 293/1C1, 293/1F2A, 294/1A and 295/2B.

7. The counter filed by the 2nd respondent herein does not state that this patta is a fabricated one or a false patta. Therefore, the contention in the counter affidavit that Patta No.732 only covers the property comprised in Survey No.192/6B appears on the face of the patta, erroneous. The respondents have not given any written reply to the petitioner's representation. Though in the counter affidavit they would submit that a representation had been adequately addressed, there is no proof for the same.



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8. Therefore, the writ petition is allowed by directing the respondents to consider the representations of the petitioner, dated 01.08.2016 and 09.11.2016 and pass speaking orders within a period of four (4) weeks from the date of receipt of copy of this order.

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

03.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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3.The Village Administrative Officer,
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P.T.ASHA, J.

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