



W.P.(MD) No.24910 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.10.2024**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

W.P.(MD) No.24910 of 2024

M.Ramanathan

.. Petitioner

Vs.

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

2.The Tahsildar,  
O/o. The Tahsildar,  
Authoor Taluk,  
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to execute the order passed by the first respondent in proceeding in ந.க.எண்.3138/2023/ஆ4 dated 26.10.2023 and to direct the second respondent to continue his further proceeding in ந.க.எண்.749/2022/எஸ் dated 02.02.2024 within the time frame as may be fixed by this Court.

For Petitioner : Mr.V.Santhakumaresan



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For Respondents : Mr.B.Saravanan  
Additional Government Pleader

### **ORDER**

The property measuring an extent of 0.16.8 Ares in S.No.17/3B of Ayyampalayam Village, Chinnalapatti, Dindigul District, belonged to one Chellammal. On 30.07.2001, she had executed a Will in favour of the petitioner's father Muthalagu in respect of the said property. This was described as 5<sup>th</sup> item in the deed. Thereafter, the petitioner's father had filed a suit for partition in O.S.No.202 of 2004 on the file of the Principal District Court, Dindigul and a preliminary decree was passed. Thereafter, the Principal District Judge had passed final decree and the above property was allotted to the share of the petitioner's father and it was described as Item No.8. The petitioner's father had also taken possession of the said property by filing execution proceedings in E.P.No.57 of 2014 on the file of the Additional District Court, Dindigul.



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2. The petitioner's father expired on 13.05.2019 leaving behind the petitioner and his five siblings. They had approached the second respondent for issuing patta in their favour. However, the second respondent without considering the documents submitted by the petitioner, granted patta in respect of the lands in S.No.17/15 instead of the lands in S.No.17/3B. Therefore, the petitioner had filed an appeal before the first respondent to set aside the said order and issue patta with reference to the correct property and also to cancel the sub division. The first respondent by order dated 26.10.2023, directed the second respondent to cancel the subdivision 17/3B1 and 17/15 and to enter into its original position viz., S.No.17/3B and issue patta to the petitioner and his siblings. Instead of complying with the above direction, the second respondent has called the petitioner and his siblings for an enquiry *vide* his proceedings in Na.Ka.No.749/2022/எஸ், dated 02.02.2024. After issuing the said notice, no further progress has made and thus, the petitioner is before this Court.

3. Heard the learned counsel on either side.



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4. Considering the facts set out above, it is clear that the second respondent has failed to even comply with the orders of his superior officer and has kept the matter hanging without any progress from 02.04.2024 when the enquiry was first held. Therefore, a mandamus is issued that the second respondent shall take steps to comply with the directions issued by the first respondent within a period of two weeks from the date of receipt of a copy of this order and report compliance to this Court within a week thereafter. In case, the second respondent shall not comply with the order, he shall appear before this Court.

5. In the result, this Writ Petition is allowed. No costs.

**22.10.2024**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes

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Dindigul District.
- 2.The Tahsildar,  
O/o. The Tahsildar,  
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**P.T.ASHA, J.**

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