



WP.No.39034 of 2024

In the High Court of Judicature at Madras

Dated : 02.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39034 of 2024

M.Ramasamy

...Petitioner

Vs

1.The District Revenue Officer,
O/o the District Collector,
Thiruvannamalai District.

2.The Revenue Divisional Officer,
Arni, Thiruvannamalai District.

3.The Tahsildar, Polur Taluk,
Thiruvannamalai District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's appeal dated 08.1.2024 and time may be fixed by this Court.

For Petitioner : Mr.G.Pavendhan
For Respondents : Mr.A.Selvendran, SGP

ORDER

Seeking a direction to the first respondent to dispose of his appeal dated 08.1.2024 within a time frame, the petitioner is before



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this Court.

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

3. The case of the petitioner is as follows :

(i) The petitioner's grandfather had three sons and three daughters. All the three paternal aunts of the petitioner got married and were settled in their respective matrimonial houses. The father and the two paternal uncles of the petitioner were enjoying the properties situated in (i) dry S.No.762/B measuring Hectare 0.39.0; (ii) dry S.No.762/B1 measuring Hectare 0.39.0 (less Hectare 0.04.0 sold); (iii) dry S.No.792/1 measuring Hectare 0.95.0; (iv) dry S.No.793/1 measuring Hectare 0.27.0; and (v) dry S.No.795/1 measuring Hectare 0.12.0, all at Mangalapuram Village, Polur Taluk, Tiruvannamalai District.

(ii) According to the petitioner, the said properties were purchased by his father and grandfather jointly. The petitioner's grandfather died in the year 2002. As there was a dispute among the brothers, the petitioner's father and one of his paternal uncles - Mr.Thangavelu filed O.S.No.371 of 2012 on the file of the District Munsif Court, Polur against the other paternal uncle of the petitioner -



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namely Mr.Krishnan seeking a decree for partition, for allotment of two shares in their favour and for a permanent injunction restraining him from in any manner alienating the subject properties. The said suit was decreed on 18.1.2013.

(iii) Pursuant to the decree dated 18.1.2013, I.A.No.643 of 2013 came to be filed by the plaintiffs therein seeking to appoint an advocate commissioner to partition the subject properties and to pass a final decree. The said interlocutory application was allowed on 25.1.2017. The petitioner's father, who is the second plaintiff, passed away on 02.2.2015 leaving behind the mother of the petitioner and his three children namely the petitioner and his two sisters. Thereafter, E.P.No.64 of 2018 was filed seeking to execute the decree and it was allowed on 23.2.2019 and the possession of the properties, which fell to their share, was handed over in favour of the first plaintiff and the legal heirs of the second plaintiff.

(iv) Subsequently, with regard to the properties, which fell to their share, the petitioner and his mother and sisters entered into a partition vide partition deed dated 28.2.2020 registered as doc.No. 503 of 2020 on the file of the Sub-Registrar, Kalambur. Pursuant to that, the petitioner gave several representations to the third respondent seeking to issue a patta based on the decree and judgment in O.S.No.371 of 2012 dated 18.1.2013 and E.P.No.64 of 2018 dated



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23.2.2019 and also the partition deed dated 28.2.2020. The last of such representations is dated 28.11.2022.

(v) As the said representation dated 28.11.2022 was not considered, earlier, the petitioner filed W.P.No.4263 of 2023 seeking a direction to the third respondent to consider the said representation for the issuance of patta in favour of the petitioner. The said writ petition was disposed of on 14.2.2023 directing the third respondent to consider the said representation on merits and in accordance with law within eight weeks. In the meantime, to his shock and surprise, by proceedings dated 23.1.2023, the Zonal Deputy Tahsildar, Polur transferred the patta in favour of one Mr.Murugan, S/O Kanniappan in respect of S.No.762/B1 measuring Hectare 0.39.0. Challenging the same, the petitioner filed an appeal before the second respondent on 25.1.2023 and it was rejected by proceedings dated 06.12.2023.

(iii) Aggrieved by the proceedings of the second respondent dated 06.12.2023, the petitioner filed further appeal to the first respondent. As the same has not yet been considered, the petitioner has come forward with this writ petition.

4. In the considered view of this Court, the further appeal filed by the petitioner before the first respondent is pending for over a year. Suffice it to direct the first respondent to consider the same and pass



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appropriate orders within a time frame.

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5. Accordingly, the writ petition is allowed and the first respondent is directed to consider the further appeal of the petitioner dated 08.1.2024 on merits and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

02.1.2025

To

- 1.The District Revenue Officer,
O/o the District Collector,
Thiruvannamalai District.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar, Polur Taluk,
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