



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2025

CORAM:

THE HONOURABLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.13670 of 2025

Jothitamilarasan

... Petitioner

.Vs.

1.The District Collector,
Office of the District Collector,
Virudhunagar.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional officer,
Aruppukkottai,
Virudhunagar.

3.The Tahsildar,
Aruppukkottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing to the respondents to cancel the sub-division and the patta issue in Patta Nos. 4057, 4058 and 4059 for the property in Virudhunagar District, Aruppukkottai Taluk, Chinnakattangudi village in S.Nos.304/2A1, 304/2A2 and 304/2A3 by considering the representation of the Petitioner dated 7.8.2024 within the time frame fixed by this Court.



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For Petitioner : Mr.V.Alex Benny Hook

For Respondents : M/s.K.Malathi
1 to 3 Addl.Govt. Pleader

ORDER

The Writ Petition has been filed seeking a direction to the respondents to cancel the sub-division and the patta issued in Patta Nos. 4057, 4058 and 4059 for the property in Viudhunagar District, Aruppukottai Taluk, Chinnakattangudi village in S.Nos. 304/2A1, 304/2A2 and 304/2A3 by considering the representation of the Petitioner dated 7.8.2024 within the time frame fixed by this Court.

2.According to the Petitioner, the properties covered by the above said three sub division numbers were originally belonged to the Petitioner's grand father Ganapathy Nadar and his brother Anancha Perumal. The said Ananacha Perumal died issueless. Therefore the entire property was in possession and enjoyment of the Petitioner's grand father Ganapathy Nadar. He had three sons namely Gurusamy, Nagalingam and Vinayagamoorthy. All of them entered into a partition on 8.7.2009 and partitioned the properties among themselves. It is further stated that notwithstanding the partition deed, the revenue records have not

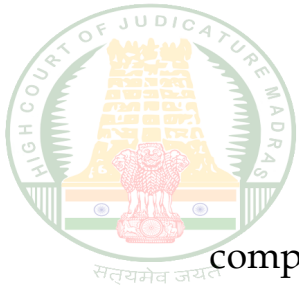


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been changed and the properties have been enjoyed as common properties by all the brothers. Now one Vaniyaraj, son of Gurusamy and the Petitioner's brother Kathirvel obtained the sub division based on the partition. Since the properties have been in common enjoyment of the parties, notwithstanding the partition deed, the Petitioner submitted a representation on 7.3.2025 seeking cancellation of the sub division effected. Since the said representation has not been considered, the Petitioner has come forward with the present Writ Petition before this Court.

3.The learned Additional Government Pleader who takes notice for the respondents 1 to 3 submit that based on the partition deed entered between Gurusamy, Nagalingam and Vinayagamoorthy, the sub division has been effected.

4.It is the admitted case of the Petitioner that there was partition among the legal heirs of Gurusamy, Nagalingam and Vinayagamoorthy. It is submitted by the Petitioner that the property has been in common enjoyment of the parties notwithstanding the partition and the registered partition deed, dated 8.7.2009 is also enclosed in the typed set of papers. If the Petitioner wants to challenge the partition deed entered among the parties, it is for him to work out the remedy before the



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competent Civil Court. Therefore this Court is not inclined to entertain the present Writ Petition and issue a direction to the respondents to consider the representation of the Petitioner, dated 7.3.2025.

5. Accordingly, the Writ Petition stands dismissed. However, it is open to the Petitioner to work out his remedy before the Civil Court. No costs.

02.06.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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S.SOUNTHAR.,J.

vsn

ORDER MADE IN

W.P(MD)No.13670 of 2025



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