

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.2976/2015

Periammal

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Petitioner

Versus

1.The District Collector
Villupuram District, Villupuram.

2.The Tahsildar
Ulundurpet Taluk, Ulundurpet
Villupuram District.

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to make Sub division by measuring the land in survey Nos.28/7,28/23, 28/14, 28/3, 28/8, 28/21, 27/2, 28/14 and 19/12 situated at R.R.Kuppam Village, Ulundurpet Taluk, Villupuram District and issue separate patta in the name of the petitioner.

For Petitioner : Mr.C.Munusamy
For Respondents : Mr.R.Vijayakumar, AGP

ORDER

Heard Mr.C.Munusamy, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself.

2.The petitioner seeks for issuance of a writ of mandamus to direct the respondents to sub-divide the lands in dispute and to issue separate patta in the name of the petitioner.

3.The application given by the petitioner was returned by memo dated 07.12.2012, stating that a caveat is pending in Caveat No.177/2012. Merely because a caveat petition has been filed by other persons, it cannot be a ground to return the application. The proper procedure would be to see if the application is in order and if the application is in order, the authority should issue notice to the petitioner and the rival claimants or persons in whose name patta

stands or the joint pattadars and then, conduct an enquiry and proceed with the matter. Therefore, the 2nd respondent is not justified in returning the petitioner's application.

4. In the light of the above, there will be a direction to the petitioner to re-submit the application seeking for sub-division and for grant of separate patta along with a copy of this order to the 2nd respondent and on receipt of the same, the 2nd respondent shall issue notice to the petitioner and to other joint pattadars, conduct an enquiry and pass a reasoned order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The District Collector
Villupuram District, Villupuram.

2. The Tahsildar
Ulundurpet Taluk, Ulundurpet
Villupuram District.

WP.No.2976/2015

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