



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.21474 of 2016

Vembusamy

... Petitioner

Vs.

1.The Thasildar,
Krishnarayapuram Taluk Office,
Krishnarayapuram,
Karur District.

2.The Taluk Surveyor,
Krishnarayapuram Taluk Office,
Krishnarayapuram,
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to survey and issue separate patta to the petitioner for his land bearing Survey No.176/4 to an extent of 5-3/4 cents situated at Krishnarayapuram North Village, Krishnarayapuram, Karur District by considering the petitioner's representation, dated 30.09.2016.

For Petitioner : Mr.R.Murugappan

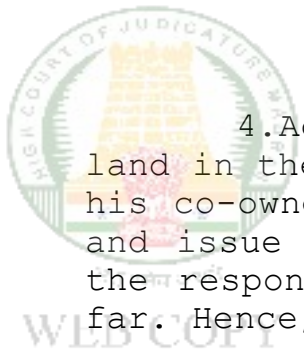
For Respondents : Mr.J.Gunaseelan Muthiah
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

2.By consent, the Writ Petition itself is taken up for final disposal.

3.The petitioner has filed the present Writ Petition directing the respondents to survey and issue separate patta to the petitioner for his land bearing Survey No.176/4 to an extent of 5-3/4 cents situated at Krishnarayapuram North Village, Krishnarayapuram, Karur District.



4. According to the petitioner, he purchased the above said land in the year 2009 and joint patta was issued to him along with his co-owners. Hence, he filed an application to measure the land and issue separate patta. The said application is pending before the respondents. But the respondents did not take any action so far. Hence, the petitioner has filed this Writ Petition.

5. The learned counsel for the respondents submitted that one Gandhi, who is also residing in the same survey number, raised objection before the Tahsildar stating that the petitioner is putting up construction in a pathway and preventing the others from using the pathway and hence, he filed an application to cancel the patta. On the above objection, the Tahsildar issued a notice on 07.11.2016, directing the objector to appear for an enquiry.

6. A perusal of the notice issued by the Tahsildar on 07.11.2016, it is seen that no notice has been issued to the petitioner for conducting the enquiry.

7. In the above circumstances, the first respondent is directed to issue notice to the petitioner and consider his application along with the petition filed by the objector and conduct a detail enquiry and pass orders on the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

sd/-

Assistant Registrar (Cr1.)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar, Krishnarayapuram Taluk Office,
Krishnarayapuram,
Karur District.

2. The Taluk Surveyor, Krishnarayapuram Taluk Office,
Krishnarayapuram, Karur District.

+1CC to Mr. R. Murugappan, Advocate Sr.No. 67500

+1CC to Spl. Government Pleader Sr.No. 67051

Gjm/SK/SKN/5.12.16-2p-5C