



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 06.07.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.12551 of 2017

R.Radha

..Petitioner

Vs

1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2.The Zonal Sub Inspector of Survey,
Tirunelveli Municipal Corporation,
Tirunelveli.

3.The Thasidhar,
Tirunelveli Taluk,
Tirunelveli-1.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court, to issue a Writ of Mandamus directing the third respondent to send the proposal to the first respondent for issuing a separate patta and on receiving such proposal to direct the first respondent to issue separate patta to the petitioner with regard to the petitioner's land in New Survey No.1/1, (Old Survey No.2/1) in Samugrengan Kattalai Village, within the first respondent Municipal Corporation limits, by considering the petitioner's written representation dated 22.03.2017 within the time frame fixed by this Court.

For Petitioner : Mr.P.Senthurpandian

For Respondents : Mr.C.Selvaraj

Special Government Pleader

ORDER

Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents.

2.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

3. This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the third respondent to send the proposal to the first respondent for issuance of separate patta to the petitioner based on her representation, dated 22.03.2017.



4.The case of the petitioner is that she purchased 3.25 acres of land in New Survey No.1/1, (Old Survey No.2/1) situated at Samugrengan Kattalai Village through a registered sale deed, dated 12.06.2015. Thereafter, the petitioner approached the first respondent on 01.10.2015, to survey the land. As per the direction of this Court in W.P (MD).No.18465 of 2015, the Second respondent conducted survey of the land in question.

5.The grievance of the petitioner is that even after surveying the property and fixing the boundary stones, separate patta was not issued. Hence, she gave a representation, dated 22.03.2017, to issue separate patta. Since no favourable order was passed by the third respondent, the petitioner has come up with the present Writ Petition with the aforesaid prayer.

6.The learned Special Government Pleader would submit that the third respondent is the competent authority to consider the representation of the petitioner and to pass order.

7. In view of the above said submission of the learned Special Government Pleader, this Court without going into the merits of the case, directs the third respondent to consider the representation of the petitioner, dated 22.03.2017, and pass orders on merits and in accordance with law, after providing necessary opportunity to all the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Commissioner,Tirunelveli Municipal Corporation,Tirunelveli.
- 2.The Zonal Sub Inspector of Survey,
Tirunelveli Municipal Corporation, Tirunelveli.
- 3.The Thasidhar, Tirunelveli Taluk, Tirunelveli.

+1CC to Mr.P.Senthur Pandian, Advocate, SR.No. 64188

+1CC to the Special Government Pleader SR.No. 63929

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