



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No. 13197 of 2017

WEB COPY

J. Shajahan Gowri

...Petitioner

-Vs-

1. The Tahsildar
Periyakulam Taluk,
Theni District.

2. The Taluk Surveyor,
Periyakulam,
Theni District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to conduct survey measurement and sub-division of petitioner's property measuring 43 x 46.1/2 sq.ft., comprised in S.No.297/2 situated in Kallipatti, Thenkarai Village, Periyakulam Taluk, Theni District, as per Doc.No.561/1963 dated 28.03.1963 and consequently direct the 1st respondent to issue patta in the name of petitioner.

For Petitioner	: Mr.K.Appadurai
For Respondents	: Mr.A.Muthukaruppan, Additional Government Pleader.

ORDER

The prayer sought for in this writ petition is for the issuance of a Writ of Mandamus directing the respondents herein to conduct survey, measurement and sub-division of petitioner's property measuring 43 x 46.1/2 sq.ft., comprised in S.No.297/2 situated at T.Kallipatti, Thenkarai Village, Periyakulam Taluk, Theni District, as per Doc.No.561/1963 dated 28.03.1963 and consequently, to direct the 1st respondent to issue patta in the name of the petitioner.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice on behalf of the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner would state that his father purchased to an extent of 43 x 46.1/2 sq.ft. comprised in S.No.297/2 situated at T.Kallipatti, Thenkarai Village, Periyakulam Taluk, Theni District, when the petitioner was a

minor. After his demise, the petitioner inherited the property and as such he has been in possession and enjoyment of the same.

4.The petitioner would further state that on 06.06.2014, he applied for survey and sub-division of his land, after paying necessary fee. Since no action was taken, he sent a representation on 17.08.2015. Deposite the same, no action has been taken. Hence, he filed the present writ petition for the relief stated supra.

5.Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents would submit that if the petitioner gives a fresh application to the first respondent with proof of payment of fee, the first respondent would consider the same.

6.The learned counsel appearing for the petitioner would submit that the petitioner is ready to submit a fresh application along with necessary fee.

7.In the light of the above submissions, there will be a direction to the petitioner to submit a fresh application to the first respondent along with necessary fee, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the first respondent is directed to consider the said application and take appropriate action on the same on merits and in accordance with law, after providing opportunity to all the necessary parties, within a period of eight weeks thereafter.

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

Sd/-

Assistant Registrar(Records)

/Truecopy/

Sub Assistant Registrar

To

1.The Tahsildar
Periyakulam Taluk, Theni District.

2.The Taluk Surveyor,
Periyakulam,Theni District.

+1cc to M/S.K.APPADURAI, Advocate SR.No.65964

skn/smi

MAS/KK/SAR1:21.08.2017:2P-4C