



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.19874 of 2017

WEB COPY

S.Suyambulingam

... Petitioner

Vs.

1.The District Collector
Tirunelveli District, Tirunelveli.

2.The Sub Collector
Cheranmahadevi,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar
Radhapuram Taluk,
Tirunelveli district.

4.Arumugam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned proceedings of the 2nd respondent in Ni.Mu.No. (Aa3) 651/17 dated 05.10.2017 and quash the same only in respect of the observation in paragraph No.4 of the impugned order and consequently direct the Respondents 1 to 3 to issue separate patta in petitioner's name in respect of Sy.No. 47/1B9 measuring an extent of 0.83 cents (34 square meter) from the joint patta No. 2527.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents 1 to 3 : Mr.J.Gunaseelan Muthiah,
Government Advocate

O R D E R

This Writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned proceedings of the 2nd respondent in Ni.Mu.No. (Aa3) 651/17 dated 05.10.2017 and quash the same only in respect of the observation in paragraph No.4 of the impugned order and consequently direct the Respondents 1 to 3 to issue separate patta in petitioner's name in respect of Sy.No. 47/1B9 measuring an extent of 0.83 cents (34 square meter) from the joint patta No. 2527.

2. According to the petitioner, the property in question in Survey No.47/1B is his ancestral property and joint patta was also issued in favour of the petitioner, fourth respondent and others. Hereafter, the property in survey No.47/1B9 was allotted to the petitioner, after subdivision. At this juncture, the fourth



respondent executed a forged document on 27.07.2016 and filed a suit in O.S.No.124 of 2016 before the Principal District Munsif, Valliyoor and the same was dismissed for default. Hence, the petitioner applied for issuance of separate patta. The second respondent by his order dated 05.10.2017, directed to issue separate patta in favour of the petitioner, by demolishing the wall which was constructed by the petitioner. Aggrieved over the said order, in respect of demolishing the wall, the petitioner is before this Court, with the present writ petition.

3. Heard the learned Counsel on either side.

4. The learned Counsel appearing for the petitioner submitted that though the petitioner has sought for a larger relief as above, it would suffice, if the Tahsildar / third respondent, is directed to inspect the property in question and complete the same in a time bound manner.

5. In view of the above submission, this writ petition is disposed of, directing the third respondent to inspect the property in dispute and pass appropriate orders thereon, on its own merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.The District Collector
Tirunelveli District, Tirunelveli.

2.The Sub Collector
Cheranmahadevi,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar
Radhapuram Taluk,
Tirunelveli district.

+1cc to Mr.P.M.VISHNUVARTHANA, Advocate, SR.89324

+1cc to M/S.Special Government Pleader, SR.89370

W.P. (MD) No.19874 of 2017
23.11.2017

RM

KK/SKN RSK/SAR 4/14.12.2017/ 2P- 6C/