



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAMW.P.(MD)No.7554 of 2017

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Kanimozhi,

..

Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

3.Balasubramanian

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the second respondent to measure and sub-divide the property and grant separate patta for 20 cents in Survey No.184/1 of Oorvani Village, Aranthangi Taluk, Pudukottai District, based on the petitioner's registered Sale Deed Document, bearing No.3557/2015, registered before the Sub-Registrar, Aranthangi, with an extent of 20 cents.

For Petitioner : Mr.N.Balakrishnan
For R1 and R2 : Mr.C.Selvaraj
Special Government Pleader

For R3 : No Appearance

ORDER

This Writ Petition is filed for a direction to the second respondent to measure and sub-divide the property and grant separate patta for 20 cents in Survey No.184/1 of Oorvani Village, Aranthangi Taluk, Pudukottai District, based on the petitioner's registered Sale Deed Document bearing No.3557/2015, registered before the Sub-Registrar, Aranthangi.

2.The petitioner would claim that an extent of 30 cents in Survey No.184/1 was originally belonged to one Meyappa Thevar of Oorvani Village, Aranthangi Taluk. He died leaving behind his three sons and each were allotted 10 cents.

<https://hcservices.co.in/Shop/in/hcservices/> 3.The petitioner would state that one Shahul Hameed purchased 20 cents from the two sons of Meyappa Thevar and after the death of the said Shahul Hameed, the abovesaid 20 cents was allotted to



his son Kalandar Mydeen and he was in possession and enjoyment of the same. Subsequently, the petitioner purchased the abovesaid 20 cents from the said Kalandar Mydeen, by registered sale deed, dated 20.08.2015, since then, she has been in possession and enjoyment of the same.

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4.Mr.N.Balakrishnan, learned counsel for the petitioner submitted that since the petitioner had apprehension of encroachment of her land, she approached the second respondent to survey and demarcate her property after paying necessary fees on 24.01.2017. Further, she applied through E-mail for sub-division and transfer of patta on the same day and on 28.03.2017, she sent a representation to the second respondent. Since no favourable order was passed, the petitioner has filed the present writ petition.

5.Heard the learned Special Government Pleader appearing for the respondents 1 and 2. Despite service of notice and his name is also being printed in the cause list, the third respondent has not chosen to appear either in person or through counsel.

6.Considering the limited scope of the prayer sought for in the Writ Petition, without going into the merits of the case, this Court directs the second respondent to consider the representation of the petitioner, dated 28.03.2017, after providing an opportunity to all the parties concerned, and pass appropriate orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. It is needless to state that the petitioner shall pay necessary fees to survey her property.

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

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Pudukottai District.

2.The Tahsildar, Aranthangi Taluk,
Pudukottai District.

+One cc to M/s.N.Balakrishnan, Advocate, SR.No.68612

+One cc to The Special Government Pleader, SR.No.69014

smn2

RL/5C/2P/KK/SAR1/7/8/2017

W.P.(MD)No.7554 of 2017

27.07.2017