



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No. 2538 of 2013

G.Kaliappan

... Petitioner

vs.

1.The District Collector,
Virudhunagar District.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

4.K.Subramanian

5.K.Singaraj

6.K.Guru Lakshmi

... Respondents

(Respondents 4 to 6 are impleaded as per order of this Court dated 23.2.2017, made in M.P(MD No.1 of 2013)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India Praying this Court for issuance of a Writ of Mandamus to direct the third respondent to demarcate and sub-divide the property at S.Nos.244/27, 165/3, 165/4A, 152/7A, 152/5F and 152/3A of Venganalloor Village by measuring the same and to issue separate patta to the Petitioner.

For Petitioner	: M/s.S.C.Herold singh
For Respondents	: Mr.Aayiram K.Selvakumar
1 to 3	Govt.Advocate
For Respondents-4	: Mr.J.Suresh
For Respondents	: No appearance
5 and 6	

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the third respondent to demarcate and sub-divide the property at S.Nos.244/27, 165/3, 165/4A, 152/7A, 152/5F and 152/3A of Venganalloor Village by measuring the same and to issue separate patta to the Petitioner.



2. Heard the submissions on either side and perused the materials placed before this Court.

3. The Petitioner had made an application, dated 6.12.2012 to the third respondent seeking for demarcation and sub-division of his property in S.Nos.244/27, 165/3, 165/4A, 152/7A, 152/5F and 152/3A of Venganalloor Village. Since the said application has not been considered within a reasonable time, the present Writ Petition has been filed.

4. The Fourth respondent claims that the property comprised in S.No.165/3 is his exclusive property and that the Petitioner has no right or title over the same and hence he objected for demarcation and sub-division of the same. The limited prayer sought for is only for consideration of representation for demarcation and sub-division of his property. Hence whatever the objection, the fourth respondent may have, can be raised before the third respondent at the time of consideration.

5. In view of the limited scope of the prayer sought for in this writ petition and without going into the merits of the claim made by the Petitioner, there shall be a direction to the third respondent to consider the petitioner's representation, dated 6.12.2012 together with his subsequent representation, dated 23.1.2013 on its own merits and in accordance with law and pass orders on the same, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar[AE]

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District.
2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
3. The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

+1cc to M/s.S.C.Herold Singh, Advocate, SR.10379

+1cc to Mr.Special Government Pleader, SR.10526

W.P. (MD) No. 2538 of 2013
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