

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.34303 of 2013

1.K.M.Thiyagarajan
2.K.M.Manikandan

...Petitioners

Versus

The Tahsildhar,
Hosur Taluk,
Krishnagiri District.

... Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the respondent to survey and issue a separate patta in Survey No.490/1A of Thiyananathurgam Village, Hosur Taluk, Krishnagiri District.

For Petitioners : Mr.G.M.Anantha Kumar

For Respondent : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

Heard Mr.G.M.Anantha Kumar, learned counsel for the petitioners, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondent and perused the materials available on record.

2. This writ petition has been filed for issuance of a writ of mandamus, to direct the respondent to survey and issue a separate patta in S.No.490/1A of Thiyananathurgam Village, Hosur Taluk, Krishnagiri District.

3. The case of the petitioners is that they became the absolute owners of the property measuring an extent of 3 cents in S.No.490/1A in Thiyananathurgam Village, Hosur Taluk, Krishnagiri District, by virtue of registered sale deed dated 24.6.2013. The petitioners would allege that one Sigamani had purchased 5 cents in a larger extent of 68 cents in S.No.490/1A and thereafter he sold 2.25 cents out of 5 cents in favour of

one Jayamma. But, the respondent has issued a patta for an extent of 5 cents in favour of Sigamani.

4. The grievance of the petitioners is that based on the wrong patta issued in favour of Sigamani, he is attempting to construct a house in the land of the petitioners, hence, they made an application to the respondent to survey and issue separate patta. Since no action was taken, the present writ petition.

5. The learned counsel for the petitioners would submit that the petitioners would be satisfied, if a direction is given to the respondent to take appropriate action on the representation of the petitioners.

6. The learned Special Government Pleader for the respondent submitted that if the petitioners makes a proper application, after paying requisite fee, the respondent would conduct survey.

7. In the light of the above facts and also considering the submissions of the learned counsels, this Court, without going into the merits of the case, directs the petitioners to give a proper application along with necessary fees to the respondent, within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the respondent shall conduct survey after issuing notices to all the necessary parties and issue patta in accordance with law. The entire exercise shall be completed within a period of three months.

8. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ms

To

The Tahsildhar,
Hosur Taluk, Krishnagiri District.

+1cc to Mr.G.M.Anantha Kumar, Advocate, S.R.No.52227

+1cc to the Government Pleader, S.R.No. 51910

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CS/04/09/18