



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16909 of 2019

1.D.Chinnan
2.C.Chandra

...Petitioners

-Vs-

1.The Tahsilar,
Madurai West Taluk Office,
Madurai.

2.The Head Surveyor,
Madurai West Taluk Office,
Madurai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to make sub division and to issue patta in the name of petitioner and his wife/second petitioner for the vacant site property purchased comprising in R.S.No.27/6A to the extent of 2614 sq.ft alone situated at Vilachery Village, presently in Madurai West Taluk, Madurai District within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.K.Marimuthu

For Respondents : Mr.P.Kannithevan
Additional Government Pleader

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to make sub division and to issue patta in the name of petitioners for the vacant site property purchased comprising in R.S.No.27/6A to the extent of 2614 sq.ft alone situated at Vilachery Village, presently in Madurai West Taluk, Madurai District, within a time frame.

2.Heard Mr.K.Marimuthu, learned counsel appearing for the petitioners and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents.



3. By consent of both parties, the writ petition is taken up for final hearing at the admission stage itself.

4. The first petitioner, in order to subdivide the property at R.S.No.27/6A to the extent of 2614 sq.ft alone, situated at Vilachery Village, presently in Madurai West Taluk, Madurai District, had given an application through online on 29.10.2018 and the said application according to the petitioners, since has not been decided, he claimed to have made a representation on 05.07.2019 and thereafter also, since nothing has been forthcoming from the respondents, the petitioners have filed this writ petition with the aforesaid prayer.

5. However, the learned Additional Government Pleader appearing for the respondents, on instructions, would submit that, pursuant to the said application, dated 29.10.2018, though six times communications had been given directly to the first petitioner over phone by contacting his mobile number on the following dates viz., 20.02.2019, 02.03.2019, 07.03.2019 and 08.03.2019, directing him to come to the spot for undertaking the survey work, the first petitioner claimed to have stated to come, however, he did not come to the spot to undertake the survey work. Therefore, on 12.07.2019, the application of the first petitioner made through online had been rejected.

6. These instructions have been given by the second respondent to the learned Additional Government Pleader, vide his letter, dated 31.07.2019 and the same has been produced before this Court.

7. However, Mr.K.Marimuthu, learned counsel appearing for the petitioners would submit that, the petitioners are ready and willing to appear before the respondents, especially, the second respondent in the land in question for undertaking the survey work.

8. Though such a stand has been taken by the petitioners, since the application according to the respondents, had already been rejected on 12.07.2019, it is for the petitioners to make a fresh application and once such application is made, the same can be considered by the respondents.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following observations and directions:-

"that it is open to the petitioners to make a fresh application for survey the land for subdivision and to issue a separate patta in favour of the petitioners and once such application is made, the respondents shall consider the same and do the needful and pass final order, within a period of six weeks, thereafter ie., from the date



of receipt of such application.

No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS)

To

1.The Tahsilar,
Madurai West Taluk Office,
Madurai.

2.The Head Surveyor,
Madurai West Taluk Office,
Madurai.

+1 CC to M/s.K.MARIMUTHU, Advocate (SR-78899[F] dated 31/07/2019)

W.P. (MD) No.16909 of 2019
31.07.2019

rmk

JMN(13.09.2019) 3P : 4C