

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.31705 of 2012

and

MP No.1 of 2012

P.Muruganatham

...Petitioner

Vs

1. The Special Deputy Collector,
Social Welfare Scheme,
Collectorate,
Namakkal.

2. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

3. Kochammal

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.Nil, dated 14.11.2012 and quash the same and consequently directing the respondents 1 and 2 to measure the petitioner's house site situated in S.No.73/18, A.Eraiyamangalam Village, Tiruchengode Taluk, Namakkal District with help of Taluk Surveyor and issue separate patta to the petitioner.

For Petitioner : Mr.C. Prakasam

For Respondents : Mr.R.S.Selvam,
Government Advocate
for R1 and R2
Ms.R.A. Shinusha
for M/s.D.Selvam for R3

ORDER

This writ petition has been filed challenging the order dated 14.11.2012 passed by the first respondent rejecting the application submitted by the petitioner for measuring his lands at S.No.73/18A, A.Eraiyamangalam Village, Tiruchengode Taluk, Namakkal District with the help of a Taluk Surveyor and issue separate patta to the petitioner.

2. It is the case of the petitioner that he is the absolute owner of the aforementioned land. According to him, there is a dispute with regard to the boundaries with the third respondent, since joint patta has been issued in favour of both the petitioner as well as the third respondent. According to the petitioner, he submitted an application with the second respondent on 01.10.2012 requesting him to measure the petitioner's land. However by the impugned order, dated 14.11.2012 passed by the first respondent, the application submitted by the petitioner was rejected on the ground that the petitioner and the third respondent have been issued with a joint patta and objections have also been raised by the third respondent. Aggrieved by the impugned order, this writ petition has been filed.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for respondents 1 and 2 and Ms.R.A.Shinusha, learned counsel for the 3rd respondent.

4. It is not in dispute that an application has been submitted by the petitioner with the second respondent making a request for measurement of his property with the help of Taluk Surveyor and also for the issuance of a separate patta in his name. Admittedly, there is a dispute between the petitioner and the third respondent with regard to the joint patta and there is also a boundary dispute. Considering the same, the second respondent ought to have measured the land with the help of a Taluk Surveyor as sought for by the petitioner. Since, the second respondent has arbitrarily rejected the application submitted by the petitioner, this Court is now constrained to issue directions to the second respondent to measure the land belonging to the petitioner after giving notice to the third respondent and other necessary parties.

5. Accordingly, the impugned order dated 14.11.2012 is hereby quashed and a direction is issued to the second respondent to measure the land belonging to the petitioner situated at S.No.73/18A, A.Eraiyamangalam Village, Tiruchengode Taluk, Namakkal District with the help of a Taluk Surveyor and

also consider the request for issuance of a separate patta in petitioner's name after hearing the third respondent as well as other necessary parties in respect of the petitioner's representation, dated 01.10.2012 for measurement of land and for issuance of a separate patta in his name, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

vsi2

To

1. The Special Deputy Collector,
Social Welfare Scheme,
Collectorate,
Namakkal.

2. The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

+1 CC to Mr.D.Selvam, Advocate sr 10342.

+1 CC to Govt. Pleader sr 11389.

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SP(11/03/2020)

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