

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.7849 of 2020

Sivarajan

Petitioner

vs.

1. The District Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Melamalayanoor Taluk, Villupuram District.
3. The Taluk Head Surveyor,
Melamalayanoor Taluk, Villupuram District.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to survey and issue separate sketch in the name of petitioner viz., Sivarajan in respect of his property in S.No.108/18B, an extent of 23½ cents situated at Melmalayanoor Village, Melmalayanoor Taluk, Villupuram District based on his application dated 24.04.2019 within a stipulated time.

For Petitioner: Mr. S. Sasikumar

For Respondents: Mr. S. N. Parthasarathi

Government Advocate

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O R D E R

This writ petition has been filed for issuance of a writ of mandamus directing the 2nd and 3rd respondents to survey and issue a separate patta in favour of the petitioner with respect to the property in S.No.108/18B for an extent of 23 ½ cents based on the application dated 24.04.2019.

2.The case of the petitioner is that he is the absolute owner of the subject property and he is possession and enjoyment of the same. The petitioner claims to have inherited this property from his grand father viz., Narayanasamy. The said Narayanasamy is said to have executed a registered settlement deed dated 17.12.2012 in favour of the petitioner. The petitioner claims that the patta and the revenue records stand in his name. The further case of the petitioner is that he wants the property to be surveyed and a separate patta to be issued to him, since, presently there is a joint patta. The petitioner had given an application on 24.04.2019 to the 2nd and 3rd respondent to survey the property. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

4.Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the petitioner to make a fresh application to the 2nd and 3rd respondents seeking for a survey and for issuance of a separate patta. The petitioner shall also pay the necessary fees. On receipt of the application, the 2nd respondent is directed to make a preliminary enquiry and see if any other party also has any right or interest over the property. If there is no rival claim, the 2nd respondent shall proceed further and direct the 3rd respondent to conduct the survey and thereafter, a separate patta can be issued in favour of the petitioner. This process shall be completed, within a period of twelve weeks from the date of receipt of copy of this order.

5.This writ petition is disposed of with the above directions. No Costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

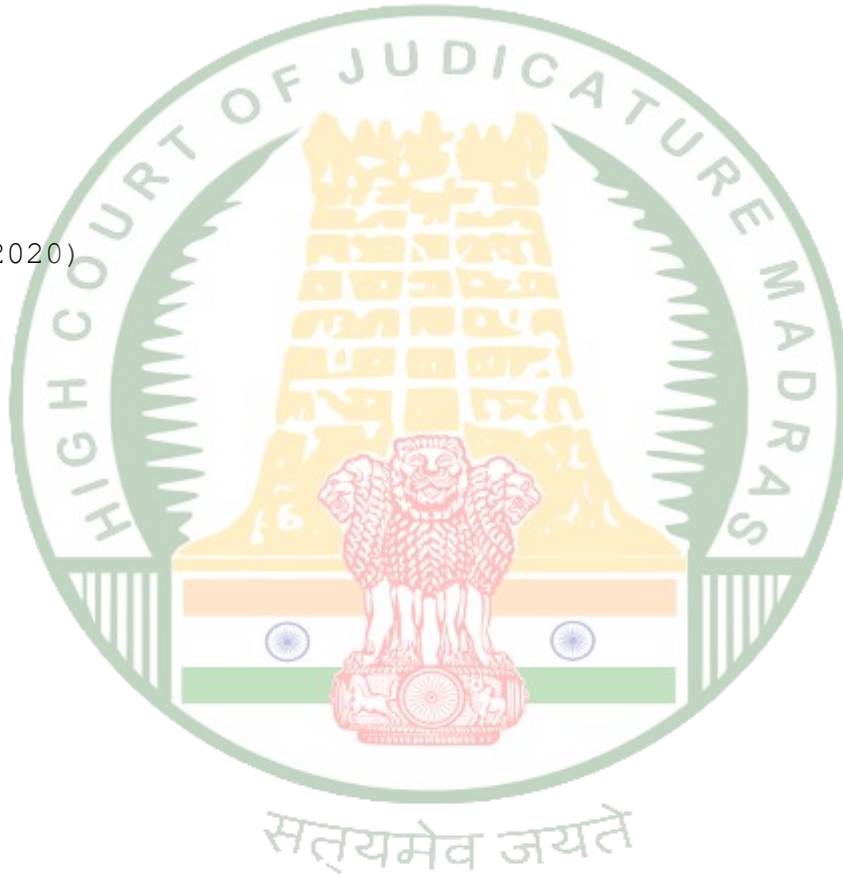
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VBA (CO)
GS (21/07/2020)



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