

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2020

CORAM

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P. No. 31775 of 2018

1. P.Lakshmanan

2. L.Vasanthan

... Petitioners

Vs.

1. The District Collector,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.

2. The Thasildhar,
Chethupattu Taluk,
Chethupattu,
Tiruvannamalai District.

3. The Taluk Surveyor,
Chethupattu Taluk,
Chethupattu,
Tiruvannamalai District.

4. The Village Administrative Officer,
Mansoorpath Village,
Chethupattu Taluk,
Tiruvannamalai District.

5. The Sub Inspector of Police,
Mangalam Police Station,
Mangalam,
Tiruvannamalai District.

6. Govindasami

7. Murugaiyan

8. Selvan

[R6 to R8 all impleaded vide order dated 24.01.2019, made in
WMP No.497 of 2019 in W.P.No.31775 of 2018]

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 14.05.2018, direct the respondents 2 and 3 to survey, Sub divide and to grant separate patta in the name of petitioner's to the lands situated in S.No.19/6C to an extent of 2.50 cents, in Mansurapath Village Account, Chethupattu Taluk, Tiruvannamalai District and further direct the 5th respondent to give police protection to the petitioner based upon their representation dated 14.05.2018, while the respondents 2 and 3 survey the aforesaid property.

For Petitioners : Mr. A.Gouthaman

For Respondents : Mr.E.Balamurugan
Special Government Pleader for R1 to R5

O R D E R

This writ petition has been filed for a direction to the respondents to consider the representation made by the petitioners on 14.05.2018 and to undertake the survey and sub-divide the property and issue a separate patta to the petitioners.

2. The case of the first petitioner is that the subject property originally belonged to his father and he executed a registered settlement deed in his favour on 12.04.2004. The case of the second petitioner is that he purchased an extent of 1 $\frac{3}{4}$ cents of land by virtue of a registered sale deed dated 28.08.1984. The Further case of the second petitioner is that his wife also purchased another extent 2 $\frac{1}{2}$ cents in the same survey number. The patta now stands jointly in the name of the petitioners and other owners. The petitioners wanted to have the patta issued in their individual names and therefore a representation was made and also necessary fees was paid for undertaking the exercise of surveying the land and sub-divide the same, to enable the issuance of individual pattas. The grievance of the petitioners is that no steps were taken to survey the land and sub-divide the property and therefore, the present writ petition has been filed for appropriate direction.

3. The learned Special Government Pleader appearing on behalf of the official respondents submitted that a counter claim has been made by some other private parties who have been impleaded in this writ petition as respondents 6 to 8 and they are preventing the officials from undertaking the survey. The learned counsel further submitted that the official respondents cannot proceed to issue individual pattas without conducting an enquiry and therefore, it was submitted that directions can be

given to the second respondent viz., the Tahsildar to call the parties and conduct an enquiry and thereafter take a decision on the survey and sub-divide the property and issue the individual pattas.

4. This Court has carefully considered the submissions made on either side and perused the materials available on record.

5. It is the specific case of the petitioners that they are the joint owners of the properties along with others and they want their portions of the property based on their title deeds to be sub-divided and individual pattas to be granted in their favour. The petitioners are not seriously objecting the right and the title of other owners and they are more interested in the properties, which actually belongs to them under their respective title deeds.

6. In view of the above, there shall be a direction to the second respondent to issue notice to the petitioners as well as the respondents 6 to 8 to conduct an enquiry based on the title deeds possessed by the respective parties and thereafter, a decision shall be taken for the survey of the property and sub-division thereof. The said process shall be completed by the second respondent within a period of 12 weeks from the date of receipt of a copy of this order. The petitioners are directed to make a fresh representation to the second respondent along with the copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

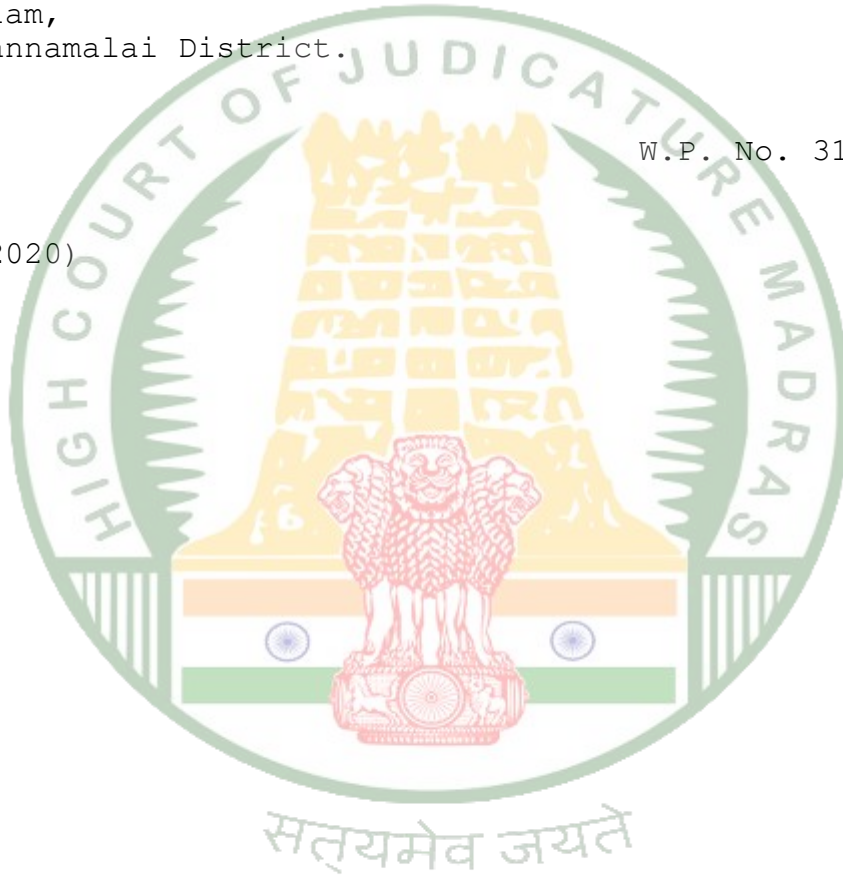
kv
To

1. The District Collector,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
2. The Thasildhar,
Chethupattu Taluk,
Chethupattu,
Tiruvannamalai District.

3. The Taluk Surveyor,
Chethupattu Taluk,
Chethupattu,
Tiruvannamalai District.
4. The Village Administrative Officer,
Mansoorpath Village,
Chethupattu Taluk,
Tiruvannamalai District.
5. The Sub Inspector of Police,
Mangalam Police Station,
Mangalam,
Tiruvannamalai District.

W.P. No. 31775 of 2018

PVS (CO)
GN(26/06/2020)



WEB COPY