



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S . S . SUNDAR**

W.P. (MD)No.1920 of 2020

Radhakrishnan

... Petitioner

vs.

1.The District Collector,
Kanyakumari District
at Nagercoil.

2.The Tahsildar,
Kalkulam Taluk, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to issue separate patta to the petitioner's property situated in R.S.No.352/1 in Eattacode Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner :Mr.K.P.Narayanakumar

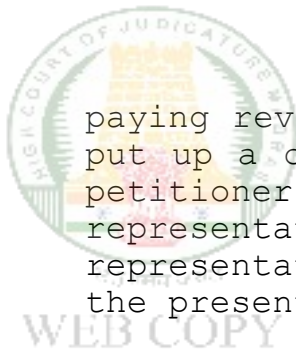
For Respondents :Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, to direct the second respondent to issue separate patta to the petitioner's property situated in R.S.No.352/1 in Eattacode Village, Kalkulam Taluk, Kanyakumari District.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner states that his father owned a property measuring to an extent of 4 ½ cents along with pathway and house building bearing No.2/28 in S.No.352/1 in Eattacode Village, Kalkulam Taluk, Kanyakumari District. It is the case of the petitioner that his sisters have executed a release deed in favour of the petitioner by relinquishing their share and that therefore, the petitioner is the absolute owner of the property. Though the petitioner's name was also included in the joint patta and he is



paying revenue tax to the Government, it is stated that he wants to put up a compound wall and that separate patta is required for the petitioner. In this regard, the petitioner submitted a representation to the Tahsildar on 30.09.2019. However, the representation of the petitioner has not been considered and hence, the present writ petition is filed.

4.The learned Counsel for the petitioner submitted that the petitioner will be satisfied, if a direction is issued to the second respondent to consider the petitioner's representation, dated 30.09.2019.

5.Going by the affidavit filed in support of this petition, the petitioner may seek sub division of the property, to which he is entitled to, as per title document. Since he is in possession and enjoyment of the property as joint pattathar, he is entitled to sub division of his property. However, this exercise can done only after issuing notice to other joint pattathar. Hence, this Writ Petition is disposed of with a direction to the second respondent to consider the representation of the petitioner, as a representation for sub division of the property, to which the petitioner is entitled to, after issuing notice to all the joint pattathars and holding enquiry in the manner known to law. Once separate patta is given, the petitioner is also entitled to seek demarcation of the property by plating survey stones. This exercise shall be done by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

- 1.The District Collector, Kanyakumari District at Nagercoil.
- 2.The Tahsildar, Kalkulam Taluk, Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-4399[F] dated 03/02/2020)

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-4272[F] dated 31/01/2020)

W.P. (MD)No.1920 of 2020
31.01.2020

JMN(13.02.2020) 2P : 5C

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