



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD)No.9995 of 2020

L.Nachiappan

... Petitioner

Vs.

1.The District Collector,
Sivagangai.

2.The Tahsildar,
Karaikudi Taluk, Sivagangai District.

... Respondents

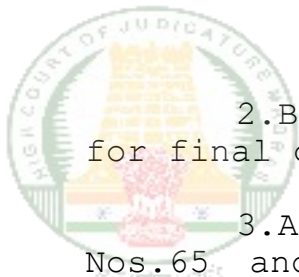
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's application for sub-division and transfer of patta vide CAN No.0332322106613 and application No.2020/0105/23/100002 dated 10.07.2020 and sub-divide the lands measuring 5.66.00 hectares in Survey No.65 and measuring 2.35.50 hectares in Survey No.298/1 situated at Kalanivasal Village, Sankarapuram Panchayat, Sakkottai Union, Karaikudi Taluk, Sivagangai District as per the partition deed registered as Document No.3300/2020 dated 08.06.2020 on the file of the Joint Sub-Registrar No.2, Karaikudi and issue individual and separate pattas to the respective parties to the above document.

For Petitioner : Mr.VR.Shanmuganathan
for Mr.AL.Kannan

For Respondents : Mr.C.Ramesh,
Special Government Pleader.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's application for sub-division and transfer of patta vide CAN No.0332322106613 and application No.2020/0105/23/100002 dated 10.07.2020 and sub-divide the lands measuring to an extent of 5.66.00 hectares in Survey No.65 and measuring to an extent of 2.35.50 hectares in Survey No.298/1 situated at Kalanivasal Village, Sankarapuram Panchayat, Sakkottai Union, Karaikudi Taluk, Sivagangai District as per the partition deed, which was registered as Document No.3300/2020 dated 08.06.2020 on the file of the Joint Sub-Registrar No.2, Karaikudi and issue individual and separate pattas to the respective parties to the above document.



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

3.According to the petitioner, the lands comprised in Survey Nos.65 and 298/1 situated at Kalanivasal Village, Sankarapuram Panchayat, Sakkottai Union, Karaikudi Taluk, Sivagangai District originally belonged to the petitioner's family and settlement patta was granted in favour of the petitioner's deceased brother L.Pandian vide proceedings dated 16.10.1983 by the Assistant Settlement Officer, Madurai. Hence the family members of the petitioner entered into a partition and executed a partition deed vide Document No.3300 of 2020, dated 08.06.2020 on the file of the Joint Sub-Registrar No.2, Karaikudi. Pursuant to the said partition deed, the petitioner had submitted an application dated 10.07.2020 before the second respondent for sub-division of lands and to grant patta in the individual names of the parties. Since no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

4.The learned Special Government Pleader appearing for the respondents would submit that the petitioner's application dated 10.07.2020, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5.In the light of the above, without expressing any opinion on the merits of the case, this Court directs the second respondent to consider the application of the petitioner dated 10.07.2020 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner and the interested parties, if necessary.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.The District Collector,
Sivagangai.

2.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.Special Govt.Pleader (SR-15099[F] dated 27/08/2020)

Order made in
W.P. (MD)No.9995 of 2020
Dated:25.08.2020

ps

SDS (02.09.2020) 3P-4C