



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.11245 of 2020

C.Jayanthi Helen

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Tahsildar,
Vilavancode Taluk
Kanyakumari District.

3.The Sub Registrar,
Karinkal Sub Registration District
Kanyakumari District.

4.The Tahsildar,
Killiyur Taluk
Kanyakumari District

... Respondents

(R4 impleaded as per the order of this Court
dated 09.11.2020 in W.M.P.(MD) No.12515/2020)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the 2nd respondent to pass an order of sub-division/separate patta, in survey No.594/22A, with respect to the petitioner's portion to an extent of 15 cents, situated at Mathikode Desam, Midalam Village, Karinkal Revenue Village, Vilavancode Taluk, Kanyakumari District.

For Petitioner : Mr.P.Muthuvijayapandian
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

The writ petition has been filed for a direction to the 2nd respondent to pass an order of sub-division/separate patta, in survey No.594/22A, with respect to the petitioner's portion to an extent of 15 cents, situated at Mathikode Desam, Midalam Village, Karinkal Revenue Village, Vilavancode Taluk, Kanyakumari District.

2.The petitioner is in possession and enjoyment of the property in S.No.594/22A. Seeking sub-division and survey of the property, the petitioner approached the 2nd respondent. However, since survey/sub-division has not been done, the petitioner is before this Court with this writ petition.



3. When the writ petition was taken up for hearing, it is represented by the learned Government Advocate that the respondents are willing to conduct survey/sub-division and issue patta, after conducting an enquiry, for which, they have no objection from anyone.

4. This Court is not inclined to go into the factual aspects. However, in view of the said submission made by both sides and in the light of the judgment in W.P.(MD) No.13465/2020, modified on 13.10.2020 as well as the guidelines issued in W.P.(MD) No.7746/2020 dated 23.09.2020, the 2nd respondent is directed to conduct survey/sub-division and issue patta, after conducting an enquiry and hearing necessary party. The said exercise shall be concluded within a period of 60 days from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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,
Kanyakumari District, Nagercoil.
2. The Tahsildar,
Vilavancode Taluk, Kanyakumari District.
3. The Sub Registrar,
Karinkal Sub Registration District
Kanyakumari District.
4. The Tahsildar,
Killiyur Taluk, Kanyakumari District

+1 CC to M/s.P. MUTHU VIJAYA PANDIAN, Advocate (SR-22574[F] dated 24/11/2020)

+1 CC to M/s.SPL GP (SR-22671[F] dated 24/11/2020)

W.P. (MD) No.11245 of 2020
23.11.2020

KUN (CO)

KB (21.12.2020) 2P 7C

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