



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15518 of 2020

Sasikala

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thanjavur District.

3.The Tahsildar,
Office of the Tahsildar,
Orathanadu Taluk Office,
Thanjavur District.

4.The Head Surveyor,
Orathanadu Taluk Office,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the third respondent to take action for the sub-division of the petitioner's land in Survey No.175A/5D4 (Patta No.661) in Neiveli Vadapathi Village, Orathanadu Taluk, Thanjavur District comprising 24 cents agriculture land belonging to the petitioner by considering the petitioner's representation dated 20.03.2020 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Kannithevan,
Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the third respondent to take action for the sub-division of the petitioner's land in Survey No.175A/5D4 (Patta No.661) in Neiveli Vadapathi Village, Orathanadu Taluk, Thanjavur District comprising 24 cents agriculture land belonging to the petitioner by considering the petitioner's representation dated



20.03.2020 in accordance with law, within the time stipulated by this Court.

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

3.Mr.P.Kannitheven, learned Additional Government Pleader accepts notice on behalf of the respondents.

4.According to the petitioner, she is in possession and enjoyment of the agricultural land in Survey No.175A/5D4 in Neiveli Vadapathi Village, Orathanadu Taluk, Thanjavur District comprising 24 cents. The petitioner came to know that in the Vadapathi Village Revenue records, relating to her land it is mentioned about joint patta comprising 0.86.50 ares. She has purchased only 0.16.0 ares (21 ½ cents) in Document No.2476 and 2 ½ cents in Document No.1343 and obtained patta in Patta No.661. However, the respondents did not make sub-division of patta relating to her land. Hence, she made several representations to the third respondent, lastly, on 20.03.2020. Since no order has been passed on the representation of the petitioner, she has approached this Court, seeking aforesaid prayer.

5.The petitioner has come forward with this Writ Petition without impleading the joint pattadharar as party to this Writ Petition. This Court is not inclined to pass any adverse order against those persons and without going into the merits of the case, directs the respondents to consider the representation of the petitioner, after affording opportunity to the petitioner and also the persons, who are likely to be affected and who have got joint patta in the property in question. This Court has not decided the rights of the petitioner in this case. When this kind of Writ Petition having joint patta stands in other persons is coming to the learned counsel, it is the duty of the learned counsel to advise their clients to include them as a party to the Writ Petition. In this case, the learned counsel has failed to do the same, which is not proper.

6.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Office of the District Collector,
Thanjavur District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thanjavur District.
- 3.The Tahsildar,
Office of the Tahsildar,
Orathanadu Taluk Office,
Thanjavur District.
- 4.The Head Surveyor,
Orathanadu Taluk Office,
Thanjavur District.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-21399[F] dated 06/11/2020)
+1 CC to M/s.GP (SR-21752[F] dated 10/11/2020)

Order made in
W.P. (MD)No.15518 of 2020
06.11.2020

PU(CO)
TR(23.11.2020) 3P 7C