



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.16300 of 2020

Jayaraman ... Petitioner

-Vs-

1. The Revenue Divisional Officer,
Lalgudi, Trichy District.

2. The Tahsildar,
Manachanallur Taluk,
Trichy District.

3.Narayanan ... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 30.09.2019 for sub-division and issuance of patta for northern half-share in S.No.330/2 in Thaluthalapatti (North) Village, Manachanallur Taluk, Trichy District.

For Petitioner : Mr.K.Prabhakar
For R1 and R2 : Mr.M.Muniyasamy,
Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents 1 and 2 to consider the petitioner's representation dated 30.09.2019 for sub-division and issuance of patta for northern half-share in S.No.330/2 in Thaluthalapatti (North) Village, Manachanallur Taluk, Trichy District.

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

3.Mr.M.Muniyasamy, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.



4. According to the petitioner, the property in S.No.330/2 measuring 0.41 cents in Thaluthalapatti (North) Village, Manachanallur Taluk, Trichy District belonged to the great grandfather of the petitioner. The property has subsequently been devolved upon the petitioner, third respondent and their father. After demise of their father, the petitioner and the third respondent have divided the said property by oral partition. The northern half of Acres 0.21 ½ cents in S.No.330/2 has been allotted to the petitioner. Thereafter, he is in possession and enjoyment of the same. While so, due to threat given by the third respondent, the petitioner has filed a Suit in O.S.No.285 of 2008, on the file of the Munsif Court, Lalgudi and the same was dismissed on 07.03.2015. Against which, the petitioner has filed an appeal in A.S.No.76 of 2018 before the Sub Court, Lalgudi and the same was decreed on 05.10.2018 in favour of the petitioner. Thereafter, the petitioner has made a representation dated 30.09.2019 to the second respondent, seeking for sub-division and issuance of patta. In response to the same, the first respondent has directed the second respondent to conduct an enquiry and submit a report. However, there is no response from the second respondent. Hence, the petitioner has approached this Court, seeking aforesaid prayer.

5. This Court without going into the merits of the case, directs the respondents 1 and 2 to survey the property of the petitioner, after affording opportunity to the petitioner as well as the third respondent. The said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed.

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

Sd/-

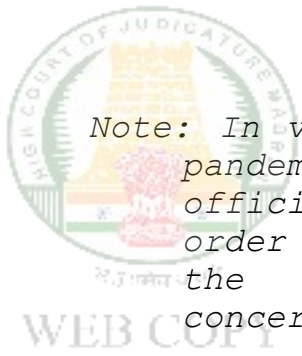
Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

Myr



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 Revenue Divisional Officer,
Lalgudi, Trichy District.
2. The Tahsildar,
Manachanallur Taluk,
Trichy District.

+1 CC to the SPL GP (SR-22358[F] dated 20/11/2020)

Order made in
W.P. (MD) No.16300 of 2020
19.11.2020

SE (CO)
CS (30.11.2020) 3P 4C