



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

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THE HON'BLE MR.JUSTICE **S.VAIDYANATHAN**

W.P. (MD)No.17642 of 2020

Subbammal

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Kulithalai,
Kulithalai Taluk,
Karur District.

2.The Taluk Head Surveyor,
Kulithalai,
Kulithalai Taluk,
Karur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to survey and subdivide the petitioner free house site bearing Survey No.99/25, situated at Pathiripatti Village, Kulithalai Taluk, Karur District and issue separate patta to the petitioner.

For Petitioner	: Mr.R.Murugappan
For Respondents	: Mr.K.P.Krishnadass
	Special Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to survey and subdivide the petitioner's free house site bearing Survey No.99/25, situated at Pathiripatti Village, Kulithalai Taluk, Karur District and issue separate patta to the petitioner.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, a free house plot bearing Survey No.99/25 situated at Pathiripatti Village, Kulithalai Taluk, Karur District, was assigned to her by the first respondent vide order Ni.Mu./Vi.Ma.A353/1421, dated 29.02.2012. Since the petitioner wanted to have a separate patta for the said land, she made a representation on 10.09.2020 before the first respondent seeking subdivision and issuance of separate patta. As there was no response from the respondents, the petitioner has come forward with the present Writ Petition.

4. This Court without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 10.09.2020 and survey the property in the presence of the persons who are likely to be affected and in the light of the judgment made in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and in case of issuance of patta, after survey, the directions issued by this Court in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 should be scrupulously followed.

5. This Court has already held that whenever assignment is given and the property is going to be sold, it can be sold only to Government and not to any other private party. Though the preemptive clause was not included in 2007, the Government shall follow this condition in future whenever the land is assigned to the landless persons so that the land will be utilised by the person to whom it was assigned. If he/she has got any grievance, he/she can sell the property to Government only on the guideline value and not on the market value, and the Government can give the said land to any other eligible person, on market value based on the seniority list to be maintained for that purpose. No political influence shall be there for allotment of free site.

6. The Government shall create a web-site for the public to know about the free land given and the Sub Registrar who is going to register the said land can at a click of a button know about the transaction and refuse to register the document. If he/she register, he/she will have to be sent out of employment. The subsequent buyer cannot say that he is not aware, as the principle of caveat emptor will apply and the subsequent sale will be a void one and it is for the subsequent buyer to proceed against the seller and the Sub Registrar for compensation and criminal action. If criminal action is initiated and established, jail should be rule and not fine. Government is expected to issue guidelines and first circulated to the Sub Registrar Offices in Tamil Nadu where corruption is on the higher side. As there are lot of unemployment in the State, instead of keeping corrupt officials in service, honest persons can be recruited and made to work.



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W.P.(MD)No.17642 of 2020

7. With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SRM

To

1. The Tahsildar,
Taluk Office,
Kulithalai,
Kulithalai Taluk,
Karur District.

2. The Taluk Head Surveyor,
Kulithalai,
Kulithalai Taluk,
Karur District.

+1 CC to SPL GP (SR-24449[F] dated 08/12/2020)

W.P. (MD) No. 17642 of 2020
04.12.2020

VB (30.12.2020) 3P 4C