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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.7618 of 2021

B.R.I. Mohammed Aslam

....Petitioner

Versus

1. The District Collector,
Cuddalore District,
Cuddalore.
 2. The District Revenue Officer,
Cuddalore District,
Cuddalore.
 3. The Tashildar,
Bhuvanagiri Taluk,
Cuddalore District.
 4. The Village Administrator Officer,
Parangipettai,
Bhuvanagiri Taluk,
Cuddalore District.
 5. Abdul Ravoof
 6. Kothus Myian
 7. Abdul Latheep
 8. Sheik Mohideen
 9. Maulavisaiyath Kaleel Ahamed
 10. Jafeer Nachiyar
 11. Mohammed Mushamil
- [R5 to R11 impleaded vide order dated 27.07.2021

...Respondents

made in WMP.No.15688/2021 in W.P.No.7618/2021]

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to consider and dispose of the petitioner's representation dated 28.02.2021 to make sub division of the petitioner's land measuring 4900 sqft., in Old S.No.31/9, New S.No.31/9A1 of Parangipettai Village, Chidambaram Taluk, Cuddalore District and to issue separate patta in the name of the petitioner for the above said property.



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For Petitioner : Mr. Ilaya Perumal
For RR 1 to R4 : Mr. V. Veluchamy
Government Advocate

For RR 5 to 11 : Notice Served-Name Printed
No Appearance

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the 3rd respondent to consider and dispose of the petitioner's representation dated 28.02.2021 to make sub division of the petitioner's land measuring to an extent 4900sqft., in Old S.No.31/9, New S.No.31/A1 of Parangipettai Village, Chidambaram Taluk, Cuddalore District and to issue separate patta in the name of the petitioner for the above said property.

2. The case of the petitioner is that he is the absolute owner of the land measuring to an extent of 4900 sq.ft in the aforesaid survey number and the property was originally belongs to his wife namely Harithayathunnisa and the same was settled in favour of the petitioner by his wife by way of registered a settlement deed vide Document No.562 of 2013 dated 13.02.2013 on the file of Sub-Registrar, Parangipettai. After the execution of sale deed, the petitioner and his family members are the absolute possession and enjoyment of the property. Subsequently, a Joint Patta No.528 was issued to the petitioner's family by the third respondent/Tahsildar. Due to non-availability of separate patta in his name, he is unable to utilize the aforesaid land by way of pledging the property to avail loan and to develop the land and enjoy the property to the fullest and in the manner of individual manner. Thereafter, he made a representation dated 01.12.2020 before the third respondent for issuance of separate patta in his name and he has also paid necessary charges a sum of Rs.400/-, but the Revenue Officials have not considered his representation till date. Again, another detailed representation dated 28.02.2021 sent to the respondents 2 to 4 herein along with all Revenue documents requesting them seeking for sub division on the petitioner's land measuring to an extent of 4900 sqft., in Old S.No.31/9, New S.No.31/9A1 of Parangipettai Village, Chidambaram Taluk, Cuddalore District and to transfer the patta to the petitioner's name. After receiving the aforesaid representation, the respondents have not taken any steps in this regard. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 3rd respondent to consider the petitioner's representation dated 28.02.2021 and dispose of the same within a stipulated time that may be framed by this Court.



4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 3rd respondent to consider the petitioner's representation dated 28.02.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to the parties concerned within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Cuddalore District, Cuddalore.
2. The District Revenue Officer,
Cuddalore District, Cuddalore.
3. The Tashildar,
Bhuvanagiri Taluk,
Cuddalore District.
4. The Village Administrator Officer,
Parangipettai, Bhuvanagiri Taluk,
Cuddalore District.

+1cc to Mr.A.Ilayaperumal, Advocate, S.R.No. 48905
+1cc to the Government Pleader, S.R.No. 49446

W.P.No.7618 of 2021

RR(CO)
GN(13/10/2021)