



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.12325 OF 2021

P.Mani

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
2. The Thasildhar,
Taluk Office,
Kalasapakkam Taluk,
Tiruvannamalai District.
3. The Taluk Surveyor,
Taluk Office,
Kalasapakkam Taluk,
Tiruvannamalai District.
4. The Village Administrative Officer,
Kappalur Village Account,
Kalasapakkam Taluk,
Tiruvannamalai District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to survey and sub divide the petitioner's lands situated in S.No.326/1A to the total extent of 997 sq.feet of land, in Kappallur Village account, Kalasapakkam Taluk, Tiruvannamalai District and further direct the 2nd respondent to grant a separate patta in petitioner's name to the properties in S.No.326/1A to the total extent of 997 sq.feet of land, in Kappallur Village account, Kalasapakkam Taluk, Tiruvannamalai District.

For Petitioner	:	Mr.A.Gouthaman
For respondents	:	Mr.K.M.D.Muhilan Government Advocate



ORDER

This writ petition has been filed for a writ of mandamus to direct the second respondent to survey and sub divide the petitioner's lands situated in S.No.326/1A to the total extent of 997 sq.feet of land, in Kappallur Village account, Kalasapakkam Taluk, Tiruvannamalai District and further direct the second respondent to grant a separate patta in petitioner's name for the above said property.

2.The case of the petitioner is that the property situated in S.No.326/1A to an extent of 997 $\frac{1}{2}$ sq. feet in Kappalur Village Account, Kalasapakkam Taluk, Tiruvannamalai District belonged to him.

3.The petitioner submits that in a registered Partition Deed effected between his father, mother and brother, the petitioner had been allotted a property to an extent of 498 $\frac{3}{4}$ in S.No.326/1A in Kappalur Village account.

4.According to the petitioner, his brother viz. Anuciyappa Nainar was also allotted to an extent of 498 $\frac{3}{4}$ sq.feet of land in S.No.326/1A in Kappalur Village Account and the said Partition Deed dated 12.07.1973 registered as Document No.927/1973 before the Sub Registrar, Kalasapakkam.

5.The petitioner further submits that through a registered Sale Deed dated 11.06.1999, he had purchased an extent of 448 $\frac{3}{4}$ sq.feet in S.No.326/1A in Kappalur Village Account, Kalasapakkam Taluk, Tiruvannalai District with a specific boundaries from his brother Anuciyappa Nainar and the above said Sale Deed registered as Document No.632/1999 before the Sub Registrar, Kalasapakkam.

6.According to the petitioner, he is entitled to an extent of 997 $\frac{1}{2}$ sq.feet of land and he is in peaceful possession and enjoyment of the above said property and the Revenue Department has also issued a patta in his favour in Patta No.433.

7.The petitioner submits that he gave a petition to the second respondent to measure his property mentioned in S.No.326/1A and requested for sub division of the property and also paid necessary charges for the same on 05.02.2021, in spite of his application as well as the payment made by him, the second respondent has not taken any steps to survey and subdivide his property mentioned in S.No.326/1A.

8.According to the petitioner, he has sent a representation to the second respondent to survey and subdivide his lands mentioned above on 01.04.2021. But, the second respondent has



not taken any steps to survey his land.

9.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

10.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

11.In view of the above facts and the submissions made by the petitioner, this Court is of the view that respondent shall pass appropriate orders in accordance with law, after issuing notice to the all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

12.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Tiruvannamalai District,Tiruvannamalai.
2. The Thasildhar,
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3. The Taluk Surveyor,
Taluk Office,
Kalasapakkam Taluk,Tiruvannamalai District.
4. The Village Administrative Officer,
Kappalur Village Account,
Kalasapakkam Taluk,Tiruvannamalai District.

+1cc to Mr.A.Gouthaman, Advocate, S.R.No.47376

+1cc to the Government Pleader, S.R.No.47537

W.P.No.12325 of 2021

SJ(CO)
PM/12/10/2021