



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO. 17693 OF 2021

S.Sripriya

..Petitioner

Versus

1. The Revenue Divisional Officer,
Taluk Office Complex,
Tambaram West,
Chennai - 45.
2. The Tahsildar,
Tambaram Taluk,
Tambaram.
3. M/s.Southern Roofing Private Limited,
Represented by its Managing Director,
Mr.Mohammed Shoukath,

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1&2 to pass orders on the representation dated 23.04.2021 by issuing sub division patta in favour of the petitioner in respect of 26 cents comprised in Survey No.69/1A1 Part in Mudichur Village, Tambaram Taluk, Kancheepuram District, as per the settlement deed dated 22.03.1989.

For Petitioner : Mr.C.Balasundar

For RR 1&2 : Mr.Yogesh Kanndasan
Government Advocate



O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents 1 & 2 to consider the petitioner's representation dated 23.04.2021 by issuing sub division patta in favour of the petitioner in respect of 26 cents comprised in Survey No.69/1A1 Part in Mudichur Village, Tambaram Taluk, Kancheepuram District, as per the settlement deed dated 22.03.1989.

2. The case of the petitioner is that she is the owner of land measuring 26 cents comprised in Survey No.69/1A1 Part in Mudichur Village, Tambaram Taluk, Kancheepuram District, having acquired the same under the settlement deed executed by her mother J. Vengu Bai, dated 22.03.1989. Till date, sub division patta was not issued to the petitioner herein, due to having Joint Patta in the name of Mr.Nandagopal, S/o.Krishna and M/s. Southern Roofing Private Limited are reflected. Despite her title to the property is perfect, sub division has to be issued for the entire extent of 1 acre 4 cents, patta stands in the name of the third respondent herein, which accordingly to her was wrongly issued, since the document of title owned by it is for 78 cents only. Thereafter, the respondent filed a suit in O.S.No.45 of 2004 against the petitioner seeking for permanent injunction before the Sub Court, Tambaram and the same was dismissed and the Court below has also appointed an Advocate Commissioner, the Commissioner inspected the suit property, filed a detailed report before the Court below by fixing boundary to her land. Thereafter, she sent a representation to the 2nd respondent/Tahsildar dated 21/24.12.2012, but no steps has been taken by the 2nd respondent. Following this, she filed a writ petition in W.P.No.23913 of 2013 before this Court and the same was allowed on 21.10.2013. After obtaining the order from this Court, she made a representation to the 1st respondent on 02.01.2014 and the same was received by the 1st respondent/RDO, but the RDO did not pass any order for issuing sub division patta in favour of the petitioner. Hence, the petitioner made another representation to the respondents 1&2 on 23.04.2021, requesting to measure and fix boundaries stones in her land and issue sub division patta in favour of her in respect of 26 cents comprised in S.No.69/1A1 Part in Mudichur Village, Tambaram Taluk, Kancheepuram District, as per the settlement deed, dated 22.03.1989, but the respondents have not taken any steps in this regard. Hence, the petitioner has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 23.04.2021 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 1st respondent to consider the petitioner's representation dated 23.04.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

msm

To

1. The Revenue Divisional Officer,
Taluk Office Complex,
Tambaram West,
Chennai - 45.
2. The Tahsildar,
Tambaram Taluk,
Tambaram.

+1cc to the Government Pleader, S.R.No.43063

W.P.No. 17693 of 2021

(CO)
RLP(24/09/2021)