



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. No. 19701 of 2021

S.Gnanasekaran

... Petitioner

-vs-

1. The Tahsildar,
Omalur Taluk,
Omalur,
Salem District.

2. The Survey Inspector / Taluk Surveyor,
Office of Tahsildar, Omalur,
Salem District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to survey the land comprised in Survey No. 65/15A2, to an extent of 1638 sq.ft. situated at Pappampatti Village, Omalur Taluk, Salem District and to issue separate patta based on the online Application No. 2021/0105/08/195219 of the petitioner dated 06.02.2021 within a stipulated time.

For Petitioner : Mr.C. Prabakaran

For Respondents : Mr.K.M.D Muhilan
Government Advocate

O R D E R

This Writ Petition has been filed to direct the respondents to survey the land comprised in Survey No. 65/15A2, to an extent of 1638 sq.ft. situated at Pappampatti Village, Omalur Taluk, Salem District and to issue separate patta based on the online Application No.2021/0105/08/195219 of the petitioner dated 06.02.2021 within a stipulated time.

2. The case of the petitioner is that the property comprised in Survey No.65/15A2, to an extent of 1638 sq.ft. situated at Pappampatti Village, Omalur Taluk, Salem District was originally belongs to one Seerangan, S/o Ramasamy Gounder and the same was purchased by the petitioner for valuable sale consideration from



aforementioned Seerangan under registered sale deed dated 11.05.1998 vide Document No.651 of 1998 on the file of SRO, Tharamangalam and subsequently, the petitioner has been added as patta holder along with other patta holders in respect of subject property and joint patta was issued in Patta No.1654 and since then, he has been in continuous possession and enjoyment of the property for the past several decades without any interruption.

3. Subsequently, it is stated that the petitioner decided to develop his land for the betterment and taken steps to get necessary approvals from the competent authority who in turn informed that an individual patta is required for process of any application and to develop the property. Hence, the petitioner applied through online for survey and sub-division of the land and to issue separate patta in his favour under Application No. 2021/0105/08/195219 dated 06.02.2021 along with necessary documents. Though the Application was made as early as on 06.02.2021, the respondents have not taken any action in spite of his repeated request in person and same was kept pending without any progress. Hence, he has sent yet another representation dated 14.08.2021 to the first respondent herein through the registered post and the same was duly received by the first respondent on 19.08.2021.

4. Further, it is stated that the petitioner made numerous requests to the Surveyor for surveying the land and subdividing the property and to issue separate patta in his favour, but the Surveyor did not considered the petitioner's request. It is further stated that along with the application he has also paid necessary charges to the competent authorities and the payment challan was also enclosed along with application, despite which the official respondents have not taken any action to survey and hence, left with no alternate remedy, the petitioner has come before this Court with the aforesaid prayer.

5. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the first respondent to consider the petitioner's representation dated 14.08.2021 and dispose of the same within a stipulated time that may be framed by this Court.

6. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondents.

7. 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 first respondent to consider the petitioner's representation dated 14.08.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of four months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Tahsildar,
Omalur Taluk,
Omalur, Salem District.
2. The Survey Inspector / Taluk Surveyor,
Office of Tahsildar, Omalur,
Salem District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.47272
+1cc to the Government Pleader, S.R.No.47533

W.P. No. 19701 of 2021

PVS(CO)
CB(05/10/2021)