



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No. 19858 of 2021

S.Venugopal

... Petitioner

-Vs-

1. The Tahsildar,
Office of the Tahsildar Office,
Manakkadu, Hasthampatti,
Salem District - 636 007.

2. The Town Surveyor,
Office of the Tahsildar Office,
Manakkadu, Hasthampatti,
Salem District-636007.

... Respondents

PRAYER: Writ petition filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to survey the land and to issuance of separate patta in the name of the petitioner property situated at Survey Nos.105/1 and 106/1 (1575 Sq.ft.), Syndicate Bank Colony, Ayyamperumalpatti Village, Salem District in view of the petitioner online application dated 29.07.2021 within the stipulated time.

For Petitioner : Mr.A.M.Esakkiappan.

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 and for issuance of separate patta in the name of the petitioner property situated at Survey Nos.105/1 and 106/1, measuring an extent of 1575 Sq.ft. Syndicate Bank Colony, Ayyamperumalpatti Village, Salem District based on the online application of the petitioner dated 29.07.2021 within a stipulated time.

2. The case of the petitioner is that the



petitioner's father one late Chellaperumal having two wives namely Poongavanam and Perumayee. The first wife Poongavanam having two sons namely Rajendran and Venkatachalam. The second wife Perumayee having one son, i.e., Venugopal / petitioner herein and two daughters namely Sumathy and Elangodi. On 18.06.1990, the petitioner's father executed a registered Will in favour of Rajendran, Venugopal, Sumathy and Elangodi and the property situated at Survey Nos.105/1 and 106/1 (0.07 Cents), Ayyamperumalpatti Village, Salem District vide Document No.184 / 1990 on the file of the District Registrar, Salem District. Thereafter, the petitioner's father was died on 19.03.1992 and the petitioner's mother Perumayee also died on 14.06.2012.

3. It is stated that the said Rajendran was died on 29.07.1999 and his legal heirs namely Vijaya, Selvaraj, Prabhu and Vimala. As per registered Will dated 18.06.1990, the family partition was made between Venugopal, Sumathy, Elangodi and late Rajendran's legal heirs vide registered family partition Document No.2383 of 2021 dated 16.07.2021 on the file of the Joint Sub Registrar, Salem West, Salem District. It is further submitted that the petitioner was having the joint patta in the name of the petitioner and his brother namely Rajendran. Now according to the Partition Deed dated 16.07.2021, the petitioner is entitled for "A schedule property" situated at Survey Nos.105/1 and 106/1 measuring to an extent of 1575 Sq.ft., Syndicate Bank Colony, Ayyanperumalpatti Village, Salem District.

4. In this regard, the petitioner applied for separate patta through online on 29.07.2021 to the first respondent. On 27.08.2021, he paid a sum of Rs.600/- (Rupees Six Hundred only) for necessary charges to survey the land and nothing was happened. For which, the petitioner also sent a reminder representation dated 26.08.2021 to the respondents for survey the land and for issuance of separate patta in Survey Nos.105/1 and 106/1 measuring to an extent of 1575 Sq.ft.

5. The petitioner further submitted that he made an online application and paid necessary charges for survey the land, but even till date no action has been taken by the respondents and hence, left with no alternate remedy, the petitioner has come before this Court with the aforesaid prayer.

6. 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 online application 29.07.2021 and dispose of the same within a stipulated time that may be framed by this Court.

7. Heard Mr.A.M.Esakkiappan., learned counsel for the



petitioner and Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondents.

8. 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 respondents to consider the petitioner's online application dated 29.07.2021 as per seniority and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of six 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-II)

//True Copy//

Sub Assistant Registrar

vji / gba

To

1.The Tahsildar,
Office of the Tahsildar Office,
Manakkadu, Hasthampatti,
Salem District - 636 007.

2.The Town Surveyor,
Office of the Tahsildar Office,
Manakkadu, Hasthampatti,
Salem District-636007.

+1cc to Mr.M/s.A.Esakkiappan, Advocate, S.R.No.47679

W.P. No. 19858 of 2021

SMI (CO)
CB(12/11/2021)