



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.23421 OF 2021

Saraswathi

... Petitioner

Vs.

1. The District Revenue Officer,
Sankagiri Taluk,
Salem District
2. The Tahsildar,
Sankagiri Taluk,
Salem District
3. The Village Administrative Officer,
Devanakavandanur Village,
Sankagiri Taluk,
Salem District

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to demarcate and to make sub division of the petitioner's land measuring an extent of 2.74 ½ acres in S.No.676, Patta No.702 of Devanakavandanur village, Sankagiri Taluk, Salem District and to issue separate patta in the name of the petitioner for the above said property by considering the petitioner's representation dated 24.09.2021.

For Petitioner : Mr.A.Ilayaperumal for
Mr.RajeshKrishnan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.



2. The present Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to demarcate and to make sub division of the petitioner's land measuring an extent of 2.74 ½ acres in S.No.676, Patta No.702 of Devanakavandanur village, Sankagiri Taluk, Salem District and to issue separate patta in the name of the petitioner for the above said property by considering the petitioner's representation dated 24.09.2021.

3. The brief facts of the case is that the petitioner obtained the property measuring to an extent of 2.74 ½ acres in S.No.676, patta no.702 of Devanakavandanur Village, Sankagiri Taluk, Salem District from her husband by way of settlement deed dated 07.01.2019 registered as Doc.No.43 of 2019 before the Sub Registrar, Sankagiri and the 2nd respondent issued joint patta no.702, in which the petitioner's name finds place. In order to develop the land, the petitioner approached the authorities for pledging the same and due to non-availability of separate patta, the petitioner is unable to develop the land. Therefore, the petitioner made an online application on 30.06.2021 to the 2nd respondent to subdivide the property and issue separate patta in the name of the petitioner. Further, the petitioner has made another application through online on 04.09.2021 for which E-Challan was issued in favour of the petitioner and thereafter, on 24.09.2021, the petitioner has sent a detailed representation by narrating all the facts to the respondents 1 to 3 to consider the prayer of the petitioner, however, the 2nd respondent has not chosen to consider the same, hence the petitioner has approached this Court by way of this petition.

4. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the second respondent to consider the petitioner's representation dated 24.09.2021 and dispose of the same within a stipulated time that may be framed by this Court.

5. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents, on instructions from the officer of the respondent/Department submitted that a direction may be issued to the 2nd respondent to consider the prayer of the petitioner and twelve weeks time may also be granted to the respondent to consider the same.

6. 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 second respondent to consider the petitioner's representation dated 24.09.2021 by taking into account that joint patta no.702 has been issued in favour of the petitioner, after issuing notice and affording opportunity of personal hearing to all the parties concerned and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Revenue Officer,
Sankagiri Taluk,
Salem District
2. The Tahsildar,
Sankagiri Taluk,
Salem District
3. The Village Administrative Officer,
Devanakavandanur Village,
Sankagiri Taluk,
Salem District.

+1cc to M/s.A.Ilayaperumal, Advocate, S.R.No.55711

+1cc to the Government Pleader, S.R.No.56618

W.P.No.23421 of 2021

AD(CO)
RLP(02/12/2021)