



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.360 of 2021

(Through Video Conferencing)

S.Nambiyar

... Petitioner

Vs.

1.The District Collector
Collectorate, Tirunelveli.

2.The Tahsildar
Nanguneri Taluk Office,
Tirunelveli District.

3.The Firka Surveyor,
Kalakkadu Firka Nanguneri Taluk
Tirunelveli District.

4.S.Natarajan

... Respondents

(Fourth respondent has been impleaded
vide order dated 21.06.2021 made in
W.M.P. (MD) No.1036/2021)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent No.2 to make Sub Division and issue separate patta in favour of the petitioner by conducting survey of the land situated in Survey No.724/2 in an extent of 1 Acre and 30 cents situated in Batthai Part-I Village, Nanguneri Taluk, Tirunelveli District by considering the application for sub division patta transfer made by the petitioner dated 24.08.2020 within the time stipulated by this Court.

For Petitioner :Mr.I.Pinaygash

For Respondents :Mr.M.Lingadurai

Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 2nd respondent to consider the representation made by the petitioner on 24.08.2020, wherein the petitioner has sought for the survey of the subject property and for sub division and for issuance of patta for the sub divided property in his name.



2. The case of the petitioner is that the subject property originally belonged to his father and he expired on 29.10.1994 leaving behind the petitioner and other legal heirs, who are the brothers and sisters. Thereafter a partition deed was executed among the legal heirs and it was registered in Document No.269/2015 dated 12.03.2015. As per the partition deed, specific portions of the property were allotted to the co-sharers. A joint patta was also issued in the name of the petitioner and other legal heirs in Patta No.300.

3. The petitioner made a representation to the second respondent seeking for the survey of the subject property and for sub division and for issuance of patta in the name of the petitioner for the sub divided property. Since there was no progress in the representation made by the petitioner, the present writ petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 24.08.2020, after affording an opportunity to the petitioner and impleaded 4th respondent and all other interested parties and deal with the same on its own merits and in accordance with law and pass appropriate orders within eight weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector
Collectorate, Tirunelveli.
- 2.The Tahsildar
Nanguneri Taluk Office,
Tirunelveli District.
- 3.The Firka Surveyor,
Kalakkadu Firka Nanguneri Taluk
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-19918[F] dated 22/06/2021)

W.P. (MD) No. 360 of 2021

21.06.2021

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