



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.8059 of 2021

and W.M.P. (MD) No.6158 of 2021

(Through Video Conference)

WEB COPY

N.Senthilkumar

...Petitioner

Vs.

- 1) The District Collector,
Madurai District, Madurai 625 020
- 2) The District Revenue Officer,
Madurai Collectorate, Madurai 625 020
- 3) The Revenue Divisional Officer,
Madurai Collectorate, Madurai 625 020
- 4) The Tahsildar,
Madurai North, District Collectorate Complex,
Madurai 625 020.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to take action based on the petitioner's applications dated 15/05/2018 and 04/07/2020 and also the Appeal dated 25/08/2020 made to the 3rd Respondent and Review Petition dated 24/10/2020 submitted to the 2nd Respondent and to Subdivide and issue Patta to this Petitioner's portion of property to the extent of 420 sft in UDR No.141/5A1 and Old Survey No.135/5 and to the extent of 1361 ½ sft. in UDR No.140/1A1 and Old Survey No.139/1 totalling to around 1781 ½ sft in residential plot No.9 located in 4th Street, B Colony, AIBEA Nagar, Paravai 1st Bit Village, Madurai North Taluk, Madurai North Registration District covered in Lay Out e.f.vz;.354/1986 dated 13.06.1986 approved by Paravai Town Panchayat and having buildings constructed therein.

For Petitioner : Mr.K.Alagarsamy

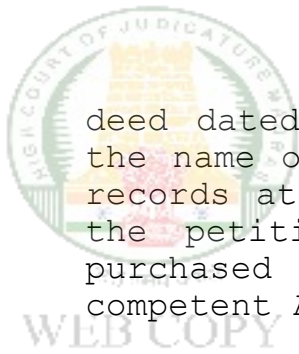
For Respondents : Mr.M.Muniasamy,

Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the fourth respondent to act upon the applications submitted on 15.05.2018 and 04.07.2020 and to subdivide the subject property and issue a Patta in the name of the petitioner with respect to his portion of the property.

2. The case of the petitioner is that the subject property, namely Plot No.9, comprising 420 sq. feet was purchased by the father of the petitioner from one Cha.Radhasamy by a registered sale



deed dated 08.04.2005. The further case of the petitioner is that the name of the said Cha.Radhasamy was also mutated in the revenue records at the time when the property was purchased. The father of the petitioner constructed a building in the portion that was purchased by him after obtaining necessary permission from the competent Authority.

3. It is stated that the father of the petitioner executed gift deed and gifted one portion of the property to the petitioner and other portion to his sister. The petitioner made an application before the fourth respondent on 15.05.2018 seeking for the survey of the property, sub-division and for issuance of Patta in the name of the petitioner, insofar as the portion of the property that was gifted in his favour. Since there was no response, the petitioner made the subsequent representations before the 2 and 3 respondents and they also issued directions. The grievance of the petitioner is that there is absolutely no response from the fourth respondent and left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.K.Alagarsamy, learned counsel for the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader 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 fourth respondent to act upon the applications submitted by the petitioner on 15.05.2018 and 04.07.2020 and deal with the same on its own merits and in accordance with law and pass appropriate orders within a period of six (06) weeks from the date of receipt of a copy of this order.

6. If the fourth respondent finds that there is any other interested party claiming right over the subject property, they shall also be issued with notice, for the purpose of raising objections, if any.

7. The petitioner is directed to make a fresh representation to the fourth respondent alongwith all the relevant documents and also a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected W.M.P.(MD) No.6158 of 2021 is closed

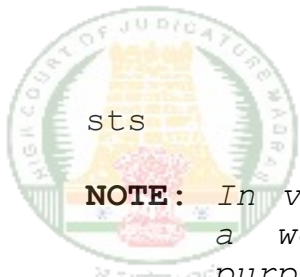
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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,
Madurai District, Madurai 625 020
- 2) The District Revenue Officer,
Madurai Collectorate, Madurai 625 020
- 3) The Revenue Divisional Officer,
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- 4) The Tahsildar,
Madurai North, District Collectorate Complex,
Madurai 625 020.

+1 CC to M/s.K.ALAGARSAMY, Advocate (SR-16367[F] dated 19/04/2021)

Order made in
W.P. (MD) No.8059 of 2021

Dated:
19.04.2021

RK (29.04.2021) 3P 6C