



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10840 of 2021

R.Anandan

... Petitioner

Vs.

1. The District Collector,
Theni District, Theni.

2. The Tahsildar,
Bodinayakkanur Taluk,
Theni District.

3. The Surveyor,
Taluk Office,
Bodinayakkanur,
Theni District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to measure and sub divide the property bearing Patta No.2457, situated in S.No.155 of Rasingapuram Village, Bodinayakkanur Taluk, Theni District and issue patta in the name of the petitioner by considering the petitioner's representations dated 12.03.2021 and 21.06.2021, within the time framed fixed by this Court.

For Petitioner
For Respondents

: Mr.R.Krishnamoorthy
: Mr.M.Lingadurai
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representations made by the petitioner on 12.03.2021 and 21.06.2021, wherein, the petitioner has sought for the survey of the subject property and subdivision of the same and also for the issuance of patta in his name.

2.The case of the petitioner is that the subject property was originally owned by his mother and she executed a gift/settlement deed in favour of the petitioner through a registered document, dated 19.11.2004 and thereby, the petitioner became the owner of the property. The further case of the petitioner is that he wanted the property to be surveyed and subdivided and hence, he made a representation / application before the third respondent, on 21.04.2018 and the petitioner also paid the necessary charges. The



grievance of the petitioner is that till date the application submitted by the petitioner has not been acted upon and therefore, left with no other alternative, the present writ petition has been filed before this Court, seeking for appropriate directions.

3. Heard Mr.R.Krishnamoorthy, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents.

4. Taking into consideration the fact and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second and third respondents to consider the application / representation made by the petitioner, on 12.03.2021 and deal with the same on its own merits and in accordance with law and take a decision, within a period of eight weeks from the date of receipt of a copy of this order. If there are any other persons, who have an interest over the subject property, notice shall also be served on them before undertaking the survey and passing final orders.

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

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Theni District, Theni.



2. The Tahsildar,
Bodinayakkanur Taluk,
Theni District.

3. The Surveyor,
Taluk Office,
Bodinayakkanur,
Theni District.

+1 CC to M/s.SPL GP (SR-21043[F] dated 02/07/2021)

**W.P. (MD) .No.10840 of 2021
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KK(09.07.2021) 3P 5C