



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.10873 of 2021

Sivakumar

... Petitioner

Vs.

1.The State represented by
The District Collector,
Tiruchirappalli.

2.The Tahsildar,
Thuraiyur,
Trichy District.

3.The Head Surveyor,
Taluk Office,
Thuraiyur,
Trichy District.

4.Ponnaiah

5.Durairaj

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to make sub-division of the property in S.F.No.25/8 situate at Sirunavalur Village, Thuraiyur Taluk, Trichy District and issue separate patta to the petitioner.

For Petitioner

: Mr.V.Singan

For Respondents

: Mr.M.Lingadurai for R1 to R3
Government Advocate

ORDER

This writ petition has been filed for the issue of Writ of Mandamus, directing the respondents 1 to 3 to act upon the application submitted by the petitioner, on 24.06.2020, wherein, the petitioner is seeking for subdivision of the subject property in S.F.No.25/8 and for issuance of separate patta in his name.

2.The case of the petitioner is that he purchased the subject property measuring an extent of 12 ½ cents through a registered sale deed, dated 15.05.2018. The further case of the petitioner is that the 4th respondent was settled an extent of 12 ½ cents by virtue of a settlement deed, dated 18.09.2008 and the 5th respondent was also settled an extent of 0.08 cents by virtue of a settlement deed, dated 24.09.2008 and all these properties are yet to be subdivided.

3.The grievance of the petitioner is that he made an application before the second respondent seeking for the subdivision of the subject property and for issuance of patta in his name.



Already a patta has been granted in favour of the petitioner in patta No.402, however, it is a joint patta, wherein, the names of the other co-owners has also been mentioned. According to the petitioner, the 4th and 5th respondents are preventing the survey of the subject property and hence, no survey was conducted by the third respondent. Left with no other alternative, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.Heard Mr.V.Singan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3.

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 and third respondents to act upon the application submitted by the petitioner, on 24.06.2020. The second and third respondents shall issue notice to the fourth and fifth respondents and ask them to be present at the time of survey. The survey shall be conducted in accordance with the title documents of the petitioner and the fourth and fifth respondents. Thereafter, the subdivision shall be undertaken and individual patta can be issued in favour of the petitioner and respondents 4 and 5. By undertaking this exercise, neither the petitioner nor the fourth and fifth respondents will be prejudiced. During the time of survey if there is any resistance, which may lead to a law and order problem, it is also left open to the third respondent to seek for police protection.

6.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.

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

Sd/-

Assistant Registrar (AD II)

// 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



To

1.The District Collector,
Tiruchirappalli.

2.The Tahsildar,
Thuraiyur,
Trichy District.

3.The Head Surveyor,
Taluk Office,
Thuraiyur,
Trichy District.

+1 CC to M/s.SPL GP (SR-21044[F] dated 02/07/2021)

W.P. (MD) .No.10873 of 2021
01.07.2021

KK(09.07.2021) 3P 5C