



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12081 of 2021

Iyathurai Pandian

... Petitioner

Vs.

1.The Assistant Director-cum-
Personal Assistant to District Collector,
District Land Survey Officer,
Nagercoil.

2.The Thasildhar,
Agatheeswaram Taluka,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of mandamus directing the 2nd respondent to implement the order of the communication letter Oo.Mu.Na.5/1308/2021 dated 05.03.2021 of the 1st respondent with respect to petitioner's application No.2021/0105/30/155952 dated 06.01.2021 for sub division patta transfer in respect of the property in patta No. 4575 in Survey No.523/16C2 in South Tamaraikulam, Agastheeshwaram Taluk, Kanyakumari District.

For Petitioner : Mr.G.V.Vairam Santhosh

For Respondents : Mr.R.Suresh Kumar,
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of Mandamus, directing the second respondent to consider the application made by the petitioner and subdivide the property and issue patta in favour of the petitioner, within the time frame fixed by this Court.

2.The case of the petitioner is that the subject property was originally owned by the father of the petitioner and he executed a registered will in favour of the petitioner and conveyed the property in Old S.No.891/1, measuring an extent of 2 ½ cents. The new survey number is 523/16C2.



3.The further case of the petitioner is that he had sold 1 cent of the property to one Raja Palam through a registered sale deed executed in the year 1984 and he was retaining the remaining property of 1 ½ cents in his possession and enjoyment. The petitioner made an application to the respondents seeking for subdivision of the property and for issuance of patta in favour of the petitioner with respect to the 1 ½ cents, which was retained by him. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.Heard Mr.G.V.Vairam Santhosh, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents.

5.Taking into consideration the facts and the 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 application submitted by the petitioner, on 06.01.2021 and deal with the same on its own merits and in accordance with law and pass final orders, within a period of six weeks from the date of receipt of a copy of this order. If there are any other interested persons, notice shall also be issued to them by the second respondent before passing final orders.

6.The petitioner is directed to make a fresh representation to the second respondent 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 (P&A)

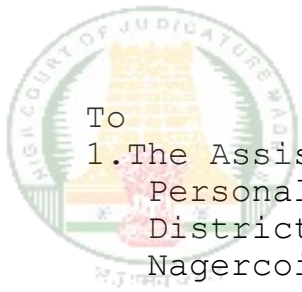
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/ /2021

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 Assistant Director-cum-
Personal Assistant to District Collector,
District Land Survey Officer,
Nagercoil.

2.The Thasildhar,
Agatheeswaram Taluka,
Kanyakumari District.

+1 CC to M/s.GP (SR-23296[F] dated 20/07/2021)

W.P. (MD) .No.12081 of 2021

Dated :

19.07.2021

RK (27.07.2021) 3P 4C