



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.18482 of 2020

V.Alagammal

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Assistant Director,
The P.A. to District Collector,
(Land Survey & Addl. In-charge)
Thoothukudi District.

3.The Tahsildar,
Taluk Office,
Vilathikulam,
Thoothukudi District.

4.S.Dhamotharan
(R4 is impleaded vide Court order
dated 11.02.2021 in W.M.P.(MD)No.
2208/2021 in W.P.(MD)No.18482/2020)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider petitioner representation dated 22.10.2020 and consequently directing the respondents to sub divide petitioner property and issue separate patta to petitioner for his property situated in New Survey No.259/58 at Melakumarasakkanapuram, Maniyakaranpatti Panchayat, Thoothukudi District on the basis of proceedings issued by the 2nd respondent to 3rd respondent in O.Mu.Aal/petition No-269/20, dated 06.11.2020 within a stipulated time fixed by this Court.

For Petitioner : Mr.P.Jeyasankar

For Respondents : Mr.P.Mahendran,
Addl. Govt. Pleader for R1 to R3.



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the official respondents to consider the representation made by the petitioner on 22.10.2020, wherein the petitioner has sought for the subdivision of the subject property and for issuance of separate patta in her favour.

2. Heard Mr.P.Jeyasankar, learned counsel appearing on behalf of the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of respondents 1 to 3. The fourth respondent has been served with notice and the name of the fourth respondent has also been printed in the cause list. There is no appearance on behalf of the third respondent either in person or through counsel.

3. The case of the petitioner is that the subject property was purchased by the father of the petitioner under a joint registered sale deed dated, 22.12.1959. The property was enjoyed by the entire family and a joint patta was also issued.

4. The further case of the petitioner is that the property remains undivided and the petitioner wanted to put up a construction in her portion of the property. The petitioner, therefore, made an application before the respondents seeking for subdivision of the property and for issuing a separate patta in the name of the petitioner in new Survey No.259/58. Based on the representation made by the petitioner, the second respondent, through a letter dated 06.11.2020, also directed the third respondent to take necessary action on the representation. The grievance of the petitioner is that, the representation has not been acted upon by the third respondent till date. Left with no other alternative, the present Writ Petition has been filed before this Court seeking for appropriate directions.

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 third respondent to consider the representation made by the petitioner on 22.10.2020, and deal with the same on its own merits and in accordance with law and take a decision with regard to the subdivision of the property and issuance of patta in the name of the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order. The third respondent, before taking a decision, shall issue notice to the other interested parties, if any.

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



7. This Writ Petition is disposed of with the above direction.
No costs.

SD
ASSISTANT REGISTRAR (RECORDS)

TRUE COPY

WEB COPY

/05/2021

SUB ASSISTANT REGISTRAR (CS)

vsm

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,
Thoothukudi,
Thoothukudi District.
- 2.The Assistant Director,
The P.A. To District Collector,
(Land Survey & Addl. In-charge)
Thoothukudi District.
- 3.The Tahsildar,
Taluk Office,
Vilathikulam,
Thoothukudi District.

1CC TO MR. P.JAYASANKAR, ADVOCATE SR 16617
1CC TO THE SPL GOVT PLEADER SR 16747

TR
03/05/2021
3P/6C

W.P. (MD)No.18482 of 2020
19.04.2021

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