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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3116 OF 2022

Veerammal

... Petitioner

-vs-

1. The District Collector,
Kallakurichi,
Kallakurichi District.
2. The Revenue Divisional Officer,
Tirukoilur,
Kallakurichi District.
3. The Tahsildar,
Ulundurpet Taluk Office,
Ulundurpet,
Kallakurichi District.
4. Sundaramurthy
5. Pandurengan
6. Arumugam
7. Venkatesan
8. Elumalai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 02.03.2020 for issue of separate patta based on the petitioner's online application and payment of survey fees made on 09.08.2018 as per the final Decree proceeding passed in I.A.No.872/2009 in O.S.No.37/2007 dated 14.07.2010 on the file of the Principal District Munsif Court, Ulundurpet within a reasonable time as fixed by this Court.



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For Petitioner : Mr.T.Gandhi
For Respondents : Mr.M.Murali
Government Advocate

O R D E R

The case of the petitioner is that, the petitioner had filed a suit in O.S.No.37 of 2007 on the file of Principal District Munsif, Ulundurpet, against the respondents 4 to 8 for partition claiming 1/4 share in the suit schedule properties namely the agricultural lands bearing Survey No.81/3, 0/75 Ares (1.86 Acres) and Survey No.2/23-0.2.50 Ares (6.50 cents) situated at Vellore Village, Ulundurpet Taluk, Kallakurichi District. The trial Court, by Decree and Judgment dated 28.08.2008 passed a preliminary Decree and subsequently a final Decree and Judgment was also passed in I.A.No.872/2009 in O.S.No.37/2007 by order dated 14.07.2010, after demarking the suit properties into four and Northern side portion was allotted to the petitioner with specific boundaries and measurements.

2. Subsequently, the petitioner has filed E.P.No.46 of 2015 on the file of the Principal District Munsif Court, Ulundurpet for delivery of the aforesaid allotted portion of the properties and the same was handed over to the petitioner on 06.06.2016. Hence, the petitioner applied for separate Patta to his properties before the 3rd respondent through online dated 09.08.2018, and the 3rd respondent had refused to grant separate Patta. However, the petitioner has made a representation to the 2nd respondent-Revenue Divisional Officer dated 02.03.2020 for separate Patta for his properties. As the said representation made by the petitioner has evoked no response, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 02.03.2020 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Government Advocate appearing for the respondents has no serious objections for the said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents 1 to 3 to consider the petitioner's representation



dated 02.03.2020 and pass appropriate orders after providing opportunity to the respondents 4 to 8 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

jd/nhs

To

1. The District Collector,
Kallakurichi,
Kallakurichi District.
2. The Revenue Divisional Officer,
Tirukoilur,
Kallakurichi District.
3. The Tahsildar,
Ulundurpet Taluk Office,
Ulundurpet,
Kallakurichi District.

+1cc to Mr.T.Gandhi, Advocate, S.R.No.10903

+1cc to the Government Pleader, High Court, Madras, S.R.No.11629

W.P.No.3116 of 2022

AK-II(CO)

RLP(18/03/2022)