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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4924 of 2022

M.Paramasivam

...Petitioner

vs.

1. The Tahsildar,
Omalur Taluk,
Omalur,
Salem District.

2. The Head Surveyor,
Office of Tahsildar,
Omalur,
Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to issue a separate patta by conducting a survey and to demarcate property by mets and boundys in respect of Survey No.56/2, measuring to an extent of 34.3/4th cents situate at T.Maaramangalam Village, Omalur Taluk, Salem District based on the representation of the petitioner dated 29.11.2021 within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a writ of Mandamus directing the respondents to issue a separate patta by conducting a survey in Survey No.56/2, measuring to an extent of 34.3/4th cents situate at T.Maaramangalam Village, Omalur Taluk, Salem District based on the representation of the petitioner dated 29.11.2021 within a stipulated time.



2. The case of the petitioner is that the petitioner is the owner of the property which was acquired from One Chandrasekaran and four others in S.No.56/2 situated in above said village, vide sale deed dated 19.04.2004. Thereafter, the 1st respondent has issued a joint patta in favour of petitioner and others in patta No.641 to the above said survey number. While so, the petitioner has made an online application / representation dated 12.04.2021 and thereafter, on 29.11.2021 for issuance of separate patta in favour of the petitioner in the above said survey number by demarcating the same from joint patta. Despite the same, the respondents have not taken any action. Hence, the petitioner has come up with the present Writ Petition seeking the aforesaid relief.

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 to consider the petitioner's representation dated 29.11.2021 and pass orders on merits within a particular time frame fixed by this Court.

4. The learned Special Government Pleader for respondents has no objection for 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 to consider the petitioner's representation dated 29.11.2021 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

rap/nhs

To

1. The Tahsildar,
Omalur Taluk,
Omalur,
Salem District.



2. The Head Surveyor,
Office of Tahsildar,
Omalur,
Salem District.

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+1cc to the Government Pleader, Sr.No.15909

W.P.No.4924 of 2022

MG (CO)
RN(30/03/2022)