



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.7769 of 2022

Sibivarman

... Petitioner

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.

2. The Tahsildar
Kangayam Taluk,
Tiruppur District.

3. The Land Revenue Inspector,
Uthiyur,
Kangayam Taluk,
Tiruppur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd respondent to survey the property in old S.F.No.191 and new R.S.No.1371 having an extent of 1.91 Acres in Kangayam Taluk, Nelali Village, Tiruppur District and sub divide and issue a separate patta in the petitioner name to the specific remaining extent of land based on the petitioner representation to the 1st respondent dated 15.10.2020 and for consequential orders by appreciating the above stated facts.

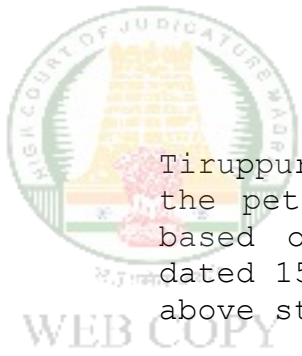
For Petitioner : Mr.M.Guruprasad

For Respondents: Mr.M.Murali

Government Advocate

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus to direct the 2nd respondent to survey the property in old S.F.No.191 and new R.S.No.1371 having an extent of 1.91 Acres in Kangayam Taluk, Nelali Village,



Tiruppur District and sub divide and issue a separate patta in the petitioner's name to the specific remaining extent of land based on the petitioner representation to the 1st respondent dated 15.10.2020 and for consequential orders by appreciating the above stated facts.

2. The case of the petitioner is that he is permanently residing in the aforesaid property hereinafter referred as "Subject Property" and it is an ancestral property enjoyed by the petitioner. The subject property has been in enjoyment of petitioner's Grandfather named SubbrayaGounder and during his life time, he had donated a part of the said property as 'Bhoomi Dhanam' prior to the enactment of the Tamil Nadu Bhoodan Yagna Act, 1958 to the Bhoodan Board. Thereafter, the said document was later registered under the Tamil Nadu Bhoodan Yagna Act, 1958 under section 20(2) on the file of Kangayam Registrar Office as Document 165/1965. The aforesaid subject property reflects the name of Bhoodan Board, Madurai along with the petitioner and his mother as the joint patta holders. The grievance of the petitioner is that the subject property had never been subdivided so as to enable the property to have a definite boundaries on four sides of the land and put to unnecessary difficulties to register the partition document and other necessary documents on petitioner's name separately. Therefore, the petitioner made a representation dated 15.10.2020 before the 1st respondent, seeking to survey the subject property, sub-divide the property and to issue a separate Patta in the name of the petitioner. Further, the 2nd respondent/Tahsildar sent a letter to the 3rd respondent dated 19.11.2020, directing the 3rd respondent to send a status report with regard to the details sought for in the petitioner's representation. However, till date, no order has been passed. Hence, 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 2nd respondent to consider the petitioner's representation dated 15.10.2020 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Government Advocate 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 2nd respondent to consider the petitioner's representations dated 15.10.2020 and pass appropriate orders on merits and in



accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

jd/lpp

To

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The Tahsildar
Kangayam Taluk,
Tiruppur District.
3. The Land Revenue Inspector,
Uthiyur,
Kangayam Taluk,
Tiruppur District.

+1cc to Mr.M.Guruprasad, Advocate SR.No.22846
+1cc to the Government Pleader, SR.No.22797

W.P.No.7769 of 2022

BS (CO)
CB(28/04/2022)