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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11153 OF 2021

S.Karuppannan

... Petitioner

.Vs.

The Tahsildar,
Sengathurai Road,
Mohanur Taluk,
Namakkal District - 637 015.

... Respondent

PRAYER:-

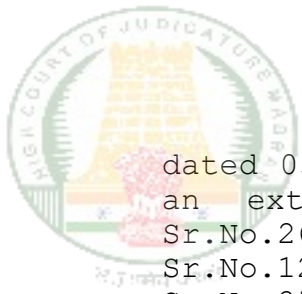
Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner application for sub-division and transfer of patta vide CAN No:0330901108409 and Application No.2020/0105/09/084001 dated 03.08.2020 and sub-division of the survey number ad measuring to an extent of Hec.0/46.00 in Sr.No.25-1A, Hec.0/57.50 in Sr.No.26-3B2, Hec.0/55.00 in Sr.No.13-1A, Hec.1/0.00 in Sr.No.12-3A1, Hec.0/5.80 in Sr.No.25-11A2, Hec.0/15.90 in Sr.No.25-8A1, Hec.0/46.00 in Sr.No.25-1C1 and Hec.0/94.00 in Sr.Nos.18-1A1 situated at Arur Mettur Village, Mohanur Taluk, Namakkal District as per the partition deed, which was registered as Document No.362/2009 dated 27.02.2009 on the file of the Sub-Registrar, Mohanur and issue individual and separate pattas in the petitioner name within a stipulate time.

For Petitioner : Mr.K.Nagendra Prasad

For Respondents : Mr.G.KrishnaRaja
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondent to consider the petitioner's application for sub-division and transfer of patta, vide CAN No:0330901108409 and Application No.2020/0105/09/084001



dated 03.08.2020 and sub-divide the survey number admeasuring to an extent of Hec.0/46.00 in Sr.No.25-1A, Hec.0/57.50 in Sr.No.26-3B2, Hec.0/55.00 in Sr.No.13-1A, Hec.1/0.00 in Sr.No.12-3A1, Hec.0/5.80 in Sr.No.25-11A2, Hec.0/15.90 in Sr.No.25-8A1, Hec.0/46.00 in Sr.No.25-1C1 and Hec.0/94.00 in Sr.Nos.18-1A1 situated at Arur Mettur Village, Mohanur Taluk, Namakkal District as per the partition deed, which was registered as Document No.362/2009 dated 27.02.2009 on the file of the Sub-Registrar, Mohanur and issue individual and separate pattas in favour of the petitioner

2. The case of the petitioner is that the subject properties situated at Arur Mettur Village, Mohanur Taluk, Namakkal District, totally measuring an extent of Acr.8.40 are ancestral properties and the same were allotted in favour of the petitioner's father, vide, partition entered into between his father, his brothers and his brother's son and Joint patta was also issued by the respondent in respect of the subject properties under Patta Nos.1440, 1937, 1938, 1940 and 1941 respectively. After the demise of the petitioner's father, the above said properties were partitioned in between the petitioner, his sister and his sister's son on 27.02.2009. Thereafter, the petitioner made an online application dated 03.08.2020 requesting to conduct survey of the above said land and consequently, to effect sub-division and issue separate patta in favour of the petitioner. However, till date, no orders have been passed on the said application. Hence, this Writ petition is filed.

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 respondent to consider the petitioner's application dated 03.08.2020 and consequently sub divide the subject property and issue separate patta in favour of the petitioner as early as possible.

4. Learned Additional Government Pleader has no objection for said order being passed and he fairly conceded that the petitioner's application dated 03.08.2020 will be considered and appropriate orders will be passed within the time stipulated by this Court.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's application dated 03.08.2020 on merits and pass appropriate orders in accordance with law, after providing opportunity to the petitioner and aggrieved person, if any, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

skt

To

The Tahsildar,
Sengathurai Road,
Mohanur Taluk,
Namakkal District - 637 015.

+1cc to Mr.K.Nagendra Prasad, Advocate, S.R.No.36761
+1cc to the Government Pleader, S.R.No.37690

W.P.NO.11153 OF 2021

SV(CO)
PBS/06/07/2022