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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.10505 OF 2022

G.Balarajan

... Petitioner

.Vs.

1. The Tahsildar,
Omalur Taluk,
Salem District.

2. The Taluk Surveyor,
Taluk Office,
Omalur Taluk,
Salem District.

... Respondents

PRAYER:-

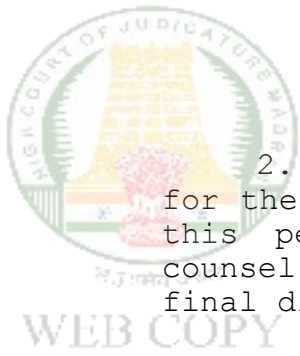
Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to issue a separate Patta in Survey no.187/1A2, in favour of the petitioner to the extent of 0.61 cents, situated at Chellapillaikuttai Village, Omalur Taluk, Salem District, after measuring the said property through second respondent, based on the enquiry held on 04.12.2020.

For petitioner : Mr.K.Sathish kumar

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

The petitioner has filed this petition seeking direction to the first respondent to issue a separate Patta in Survey no.187/1A2, in favour of the petitioner to the extent of 0.61 cents, situated at Chellapillaikuttai Village, Omalur Taluk, Salem District, after measuring the said property through second respondent, based on the enquiry held on 04.12.2020.



2. Mr.A.Anandan, learned Government Advocate takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the owner of the property comprised in S.No.187/1A2, measuring an extent of 0.61 cents, situated at Chellapillai village, Omalur Taluk, Salem District. The petitioner had acquired the above said property by a registered Sale Deed dated 09.12.2014 in Doc.No.9535 of 2014 on the file of SRO, Omalur, Salem District. On earlier occasions, the petitioner had made a representation dated 26.08.2020 before the first respondent to measure the property and to transfer Patta in his favour. However, the said representation was rejected by the first respondent by order dated 02.03.2021 on the ground that a writ petition in W.P.No.34862 of 2019 was pending before this Court. Subsequently, the said writ petition was dismissed by this Court by order dated 15.12.2021. Hence, again the petitioner made a representation dated 21.03.2022 before first respondent to measure the property and for issuance of separate Patta in his favour. However, till date no action has been taken by the first respondent on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the first respondent to consider the petitioner's representation dated 21.03.2022 within the time frame that may be fixed by this Court.

5. The learned Government Advocate appearing for the respondents submits that the petitioner's representation dated 21.03.2022 will be considered by the respondents within the time frame that may be fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 21.03.2022, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity to the aggrieved persons.



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7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Omalur Taluk,
Salem District.
2. The Taluk Surveyor,
Taluk Office,
Omalur Taluk,
Salem District.

+1cc to the Government Pleader, S.R.No.30846

W.P.NO.10505 OF 2022

SMI (CO)
PBS/20/05/2022