

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.12845 of 2022

K.Samathal

... Petitioner

Vs.

1. The District Collector,  
Office of the District Collector,  
Tiruppur District,  
Tiruppur.
2. The Tahsildar,  
Tiruppur South Taluk,  
Tiruppur.
3. The Inspector of Police,  
Avinashipalayam Police Station  
Avinashipalayam,  
Palladam Taluk,  
Tiruppur District.

4. Palanisamy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records of the second respondent vide proceedings dated 12.04.2022 bearing Na.Ka.No.FL/2022/E1 and quash the same and consequently direct the second respondent to survey the property of the petitioner together with the assistance of the third respondent for the purpose of issuance of sub division patta and complete the said survey and issue a subdivision patta in respect of the properties of the petitioner within a time frame.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader

## O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the entire records of the second respondent vide proceedings dated 12.04.2022 bearing Na.Ka.No.FL/2022/E1 and to quash the same and to consequently direct the second respondent to survey the property of the petitioner together with the assistance of the third respondent for the purpose of issuance of sub division patta and complete the said survey and to issue a subdivision patta in respect of the properties of the petitioner within a time frame.

2.The case of the petitioner is that the petitioner filed a suit for partition in O.S.No.227 of 2015 on the file of the learned I Additional District and Sessions Judge, Tiruppur and in the said suit the petitioner also filed I.A.No.149 of 2018 seeking to pass final decree, wherein, Advocate Commissioner was appointed by the trial Court and based on the report of the Advocate Commissioner, final decree was passed on 26.02.2021 and the same was registered before the SRO, Palladam vide Document No.10737 of 2021. Thereafter, the petitioner made representation to the second respondent on 23.12.2021, seeking to measure the property for the purpose of subdivision of the lands. The said representation was rejected by way of the impugned order. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondents to measure the petitioner's property, in the presence of the fourth respondent, as per the final decree passed by the trial Court on 26.02.2021.

4.The learned Special Government Pleader submitted that this Court may set aside the impugned order and issue direction to the second respondent to measure and sub divide the petitioner's property based on the final decree and further submitted that this Court may issue direction to the petitioner to produce the final decree before the second respondent so as to enable the second respondent to comply with the same.

5.Heard the arguments advanced on either side and perused the materials available on record. Since this Court is not inclined to pass any adverse orders as against the fourth respondent, notice to the fourth respondent is dispensed with.

6.Considering the limited request made by the learned counsel appearing for the petitioner and the consent view

expressed by the learned Special Government Pleader, this Court, without expressing any opinion on the merits of the case, directs the petitioner to produce the final decree passed by the trial Court on 26.02.2021 in O.S.No.227 of 2015, before the second respondent, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the second respondent shall issue summons to the fourth respondent and measure the petitioner's property in front of the fourth respondent and shall pass appropriate orders, as expeditiously as possible.

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

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Office of the District Collector,  
Tiruppur District,  
Tiruppur.
2. The Tahsildar,  
Tiruppur South Taluk,  
Tiruppur.
3. The Inspector of Police,  
Avinashipalayam Police Station  
Avinashipalayam,  
Palladam Taluk,  
Tiruppur District.

+1cc to Mr.K.Venkateshwaran, Advocate, S.R.No.32258

+1cc to the Government Pleader, S.R.No.33019

W.P.No.12845 of 2022

MT(CO)  
UMA(23/06/2022)