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W.P. No.15982 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.15982 of 2022

S.Saina Bee Bee

... Petitioner

Vs.

The Tahsildar,
Coimbatore South Taluk Office,
Gopalapuram, Coimbatore 641 018.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to make sub-division of petitioner's property, situated in Ward No.42, Block No.3, T.S.No.24 and old Survey No.251 to an extent of 10 cents, out of the total extent of Acre 0.73 Cents in Coimbatore Village, Taluk & District, which was purchased and registered as Sale Deed Document No.2347/1982 dated 03.06.1982 on the file of the Sub Registrar's Office, Coimbatore and as per the award passed by the District Revenue Officer, Coimbatore in Na.Ka.No.20411/2013/2016 dated 29.01.2021 within the time limit as fixed by this Court.

For Petitioner : Mr.R.Baskaradoss



WEB COPY



W.P. No.15982 of 2022

For Respondent : Mr.A.Anandan
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondent to make sub-division of petitioner's property, situated in Ward No.42, Block No.3, T.S.No.24 and old Survey No.251 to an extent of 10 cents, out of the total extent of Acre 0.73 Cents in Coimbatore Village, Taluk & District, which was purchased and registered as Sale Deed Document No.2347/1982 dated 03.06.1982 on the file of the Sub Registrar's Office, Coimbatore and as per the award passed by the District Revenue Officer, Coimbatore in Na.Ka.No.20411/2013/~~201~~6 dated 29.01.2021 within the time limit as fixed by this Court.

2. The case of the petitioner is that the petitioner had purchased the aforesaid property from one R.Krishnasamy, through a registered Sale Deed, dated 03.06.1982, vide Document No.2347/1982 on the file of the Sub-Registrar's Office, Coimbatore. After the purchase of the aforesaid property, the petitioner is in possession of the same. Further, the Encumbrance Certificate dated 14.06.2022 issued by the Registration Department reflects the above said sale transaction executed by the vendor in



W.P. No.15982 of 2022

favour of the petitioner. However, the Town Survey Land Register shows that the aforesaid property is in the combined name along with Sri Angalamman Kovil property. In the meantime, the District Revenue Officer and Land Acquisition Officer, Coimbatore in his proceedings Na.Ka.No.20411/2013/௨௪6 acquired a portion of the petitioner's property to an extent of 239.0 sq.mtrs., out of a total extent of 10 cents for the purpose of Ukkadam-Aaththupalam Overbridge Scheme. Since, the revenue records did not reflect the sub-division of the aforesaid property, the Land Acquisition Officer was not in a position to disburse the award amount to the petitioner. Therefore, the petitioner made representation dated 27.12.2021 before the respondent, seeking sub-division in respect of the aforesaid property. As the said representation made by the petitioner has evoked no response from the respondent, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondent to consider the petitioner's representation dated 27.12.2021 and pass orders on the same within a particular time frame fixed by this Court.



W.P. No.15982 of 2022

WEB COPY

4. The learned Government Advocate appearing for the respondent 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 respondent to consider the petitioner's representation dated 27.12.2021 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.

27.06.2022

Index : Yes / No

Speaking order : Yes / No

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To

The Tahsildar,
Coimbatore South Taluk Office,
Gopalapuram, Coimbatore 641 018.

M.DHANDAPANI, J.



WEB COPY



W.P. No.15982 of 2022

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27.06.2022