



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29627 of 2019

1.M.Ramsamy
2.M.Periyannan
3.R.Ravichandran
4.M.Kuppammal
5.K.Periyannan

... Petitioners

-Vs-

The Tahsildar,
Kilpennathur Taluk,
Thiruvannamalai District.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to resurvey the land bearing S.No.68/4A1 situated at Kazhikulam Village, Kilpennathur Taluk, Thiruvannamalai District and issue separate patta on petitioners' names based on their representation dated 21.02.2019 made to the respondent herein.

For Petitioners : No appearance

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

The Writ Petition has been filed for direction directing the respondent to resurvey the land bearing S.No.68/4A1 situated at Kazhikulam Village, Kilpennathur Taluk, Thiruvannamalai District and issue separate patta on petitioners' names based on their representation dated 21.02.2019 made to the respondent herein.

2. Heard, Mr.V.Jeevagiridharan, Additional Government Pleader appearing for the respondent.



3. The case of the petitioners is that the petitioners owned land bearing Natham S.No.68/4A1 to an extent of 0.8.50 ares at Kazhikulam Village, Kilpennathur Taluk, Thiruvannamalai District. The entire extent of the property has been divided among the petitioners and they have got 1/11 shares and they were issued joint patta under patta No.366. They submitted application to survey the subject land for issuance of separate patta in their names on 21.02.2019.

4. On written instruction from the respondent, Mr.V.Jeevagiridharan, Additional Government Pleader submitted that the subject land to an extent of 0.08.5 hectares stands registered jointly in the name of 11 persons. However, no registered record to establish the right over each of the joint pattadhars has been registered so far. Therefore, the sub division cannot be done and the same was also duly informed to the petitioners. That apart, there is a suit in OS.No.220 of 2019 on the file of the District Munsif Court, Tiruvannamalai pending in respect of the very same property with regards to title.

5. In view of the above, the request made by the petitioners cannot be considered. As such, the writ petition is devoid of merits and liable to be dismissed. Accordingly, the writ petition is dismissed. However, after proper sub division of the property by metes and bounds with registered documents, the petitioners can make application for resurvey and separate patta in respect of the subject property, that too, subject to the result of the title suit in OS.No.220 of 2019 on the file of the District Munsif Court, Tiruvannamalai. No order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

The Tahsildar,
Kilpennathur Taluk,
Thiruvannamalai District.



Copy to

The District Munsif,
Tiruvannamalai.

+1cc to the Government pleader Sr.6849

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srg 03/03/2022