



WEB COPY



W.P. No.25781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.25781 of 2022

Kathiravan Velusamy

... Petitioner

Vs.

1.The District Collector,
Tiruppur District.

2.The Tahsildar,
Palladam Taluk, Tiruppur District.

3.The Head Surveyor,
Palladam Taluk, Tiruppur District.

4.The Village Administrative Officer,
Sukkampalayam Village, Palladam Taluk,
Tiruppur District – 641 662.

5.Inspector of Police, Law and Order,
Palladam Police Station, Tiruppur District.

6.Village Panchayat President,
Sukkam Palayam Village,
Palladam Taluk, Tiruppur District.

7.C.Ramasamy

8.P.Balasubramaniam

9.P.Sundaramoorthy

... Respondents



W.P. No.25781 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent herein to survey, measure, demarcate and sub-divide the petitioner's land situated in Sukkampalayam Village, Palladam Taluk, Tiruppur District in Survey Nos.353/1A and 353/1B measuring to a total extent of 3 acres and 35.75 cents bearing Patta No.641 and 642 within a time frame as deem fit and proper by this Court.

For Petitioner	: M/S.G.Bala and Daisy
For R1 to R5	: Mr.U.Bharanidharan, Additional Government Pleader
For R6	: M/s.Indhumathi Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the second respondent herein to survey, measure, demarcate and sub-divide the petitioner's land situated in Sukkampalayam Village, Palladam Taluk, Tiruppur District in Survey Nos.353/1A and 353/1B measuring to a total extent of 3 acres and 35.75 cents bearing Patta No.641 and 642 within a time frame as deem fit and proper by this Court.

2. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

3. The case of the petitioner is that he had purchased the aforesaid



W.P. No.25781 of 2022

property on 15.09.2014 from one Mr.S.Ramasamy Gounder and others, through a registered Sale Deed, vide Document No.10985 of 2014 on the file of Joint Sub-Registrar Officer, Palladam, Tiruppur District. Subsequent to the purchase of the aforesaid property, he is in peaceful possession and enjoyment of the said property. Further, the second respondent issued joint patta, vide Patta Nos.641 and 642 in the name of the petitioner. When such being so, the petitioner has made application on 14.02.2022 and 07.05.2022 before the second respondent through online for mutation of Revenue Records, sub-division and issuance of separate Patta in his name. On receipt of such representation, the second respondent passed an order dated 13.08.2022, stating that the petitioner has valid title only to an extent of 2.25 $\frac{3}{4}$ acres of land in Survey No.353/1A, in which 33.5 cents of land is being used as pathway. Further, in order to remove the encroachments and restore the original road, the petitioner made another representation dated 18.08.2022 before the second respondent. However, till date, no order has been passed, the petitioner had filed the present Writ Petition.

4. 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 second respondent to consider the petitioner's



W.P. No.25781 of 2022

representation dated 18.08.2022 and pass orders on the same within a particular time frame to be fixed by this Court.

5. The learned Additional Government Pleader appearing for the respondents 1 to 5 and the learned Government Advocate appearing for the respondent 6 have no objection for said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the second respondent to consider the petitioner's representation dated 18.08.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the private respondents herein, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, this Writ Petition is disposed of. No costs.

26.09.2022

Index : Yes / No
Speaking order : Yes / No
jd



W.P. No.25781 of 2022

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W.P. No.25781 of 2022

M.DHANDAPANI, J.,

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W.P.No.25781 of 2022

26.09.2022