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W.P.No.31119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31119 of 2022

Chinnamanickam

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector,
Salem District, Salem.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Mettur Dam – 636 401,
Salem District.
- 3.The Tahsildar,
Mettur Taluk Officer,
Mettur Dam – 636 401,
Salem District.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to sub-divide the property and to issue the patta to the name of the petitioner in respect of the property in new survey No.279/1B1/A1/A to the extent of 52 Cents in Kaveripuram Village, Mettur Taluk, Salem District based on the representation of the petitioner dated 19.10.2022 within stipulated time fixed by this Court.



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For Petitioner : Mr.M.Senthilkumar
For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the the 3rd respondent to sub-divide the property and to issue the patta to the name of the petitioner in respect of the property in new survey No.279/1B1/A1/A to the extent of 52 Cents in Kaveripuram Village, Mettur Taluk, Salem District based on the representation of the petitioner dated 19.10.2022.

2. The case of the petitioner is that the petitioner is the owner of the aforesaid property by virtue of a registered Sale Deed as Doc.No.1858 of 2020 dated 10.08.2020 and till date he is in absolute possession and enjoyment of the property. While so, the petitioner made an application to the 3rd respondent seeking to sub-divide the said property and also issue separate patta in favour of the petitioner and the same was acknowledged by the Zonal Deputy Tahsildar. Till date no order was passed on the said representation.

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Taking advantage of the above situation, some third parties were trying to occupy the petitioner's property. Hence, the petitioner filed a suit in O.S.No.89 of 2022 before the District Munsif Court, Mettur, Salem, for permanent injunction restraining the third parties. Thereafter, the petitioner gave representations dated 17.10.2022 and 19.10.2022 to survey the property by fixing boundaries in the aforesaid property and also issue patta in favour of the petitioner. As the said representations made by the petitioner has evoked no response, the petitioner has filed this present Writ Petition.

3.The learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 3rd respondent to sub-divide the property and to issue the patta to the name of the petitioner in respect of the property in new survey No.279/1B1/A1/A to the extent of 52 Cents in Kaveripuram Village, Mettur Taluk, Salem District based on the representation of the petitioner dated 19.10.2022 and pass orders on the same within a particular time frame fixed by this Court.

4. Mr.U.Bharanidharan, learned Additional Government Pleader



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appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation 19.10.2022 after affording an opportunity of hearing to the petitioner and as well as the parties concerned, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is accordingly is disposed of. No costs.

22.11.2022

gba
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The District Collector,
O/o.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,

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O/o. The Revenue Divisional Officer,
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3.The Tahsildar,
Mettur Taluk Officer,
Mettur Dam – 636 401, Salem District.

M.DHANDAPANI,J.

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