



WEB COPY



W.P.No.32616 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32616 of 2022

K.Nadhu

... Petitioner

vs.

1. The Tahsildar,
Mettur Taluk,
Salem District.

2. The Inspector of Police,
Karumalaikoodal Police Station,
Mettur Taluk,
Salem District.

3. Balamurugan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to survey and sub division the petitioner's land measuring 1807.5 Sq.ft. comprised in S.No.682B/1B and 682B/1C and Patta Nos.461 and 567 situated in Konur West Village, Mettur Taluk, Salem District with help of the second respondent based on the applications dated 19.09.2022.



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For Petitioner : Mr.V.Elangovan

For R1 and R2 : Mr.T.K.Saravanan
Government Advocate

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct first respondent to survey and sub divide the petitioner's land admeasuring 1807.5 Sq.ft. comprised in S.Nos.682B/1B and 682B/1C and Patta Nos.461 and 567 situated in Konur West Village, Mettur Taluk, Salem District with the help of second respondent based on the applications dated 19.09.2022.

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

3. It is the case of the petitioner that she purchased the above said properties situated in said Village from one Duraisamy and Pappal vide sale deed dated 09.09.2002 and the Revenue Records were mutated in favour of the petitioner. While that being so, the third respondent who is no way



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connected to the abovesaid properties, gave a petition before the Revenue Divisional Officer, Mettur Dam to cancel the patta issued in the name of petitioner and the petitioner's vendor in respect of the aforesaid lands and subsequently filed a writ petition in W.P.No.12689 of 2014, before this Court which is pending adjudication. Thereafter, the petitioner gave a representation dated 19.09.2022 before the first respondent, to survey and sub divide the above said lands. Since the same was refused by the first respondent, the petitioner filed the present writ petition seeking the aforesaid relief.

4. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioner submits that it would suffice if this Court issues direction to the first respondent to consider the petitioner's representation dated 19.09.2022 and pass appropriate orders within a particular time frame to be fixed by this Court.

5. Learned Government Advocate appearing for the respondents has no objection for the said order being passed.



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6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 19.09.2022 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons, if any, including the third respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observation and direction, this Writ Petition is disposed of. No costs.

02.12.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To:

1. The Tahsildar,

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2. The Inspector of Police,
Karumalaikoodal Police Station,
Mettur Taluk,
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M.DHANDAPANI, J.



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