



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4623 of 2022

WEB COPY

P.Baktha Gowri

... Petitioner

/Vs./

The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

... Respondent

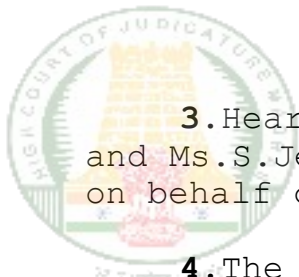
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to sub divide 48 cents of land belongs to the petitioner and her 3 sisters namely Shanmugavalli, Janaki and Allirani in T.S.No.10/1A1A, Block 14, Ward D, Kodaikanal Town, Dindigul District and issue separate Town Survey Extract, based on the petitioner's representation dated 03.01.2022 within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan
For Respondent : Ms.S.Jeya Priya
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to sub divide 48 cents of land belonging to the petitioner and her 3 sisters namely, Shanmugavalli, Janaki and Allirani in T.S.No.10/1A1A, Block 14, Ward D, Kodaikanal Town, Dindigul District and issue separate Town Survey Extract, based on the petitioner's representation dated 03.01.2022 within a time frame to be fixed by this Court.

2.The case of the petitioner is that the petitioner and her three sisters referred to supra are the absolute owners of the aforementioned property. The petitioner has given a representation on 03.01.2022 to the respondent requesting him to sub divide 48 cents of the aforementioned land and allot the same to the petitioner and her three sisters, namely, Shanmugavalli, Janaki and Allirani as per the partition deed. Since the representation has not been considered till date, this writ petition has been filed.



3.Heard Mr.M.Saravanan, learned Counsel for the writ petitioner and Ms.S.Jeya Priya, learned Government Advocate, who accepts notice on behalf of the respondent.

4.The petitioner has filed the following documents along with this writ petition (a) partition deed dated 19.02.1979 entered into between the petitioner's brothers; (b) Gift settlement deed dated 22.02.1979 executed by the petitioner's brother, Shanmugasundaram; (c) Gift settlement cancellation deed dated 23.05.2014 executed by the petitioner's brother, Shanmugasundaram; (d) property tax receipt dated 19.09.2017; (e) order passed by this Court in WP(MD) No.9442/2018; (f) Town Survey Extract for T.S.No.10/1A1A dated 30.09.2021; (g) receipt for payment of electricity consumption charges dated 07.10.2021; (h) 'A' Register dated 30.12.2021.

5.No prejudice would be caused to the respondent, if the representation of the petitioner seeking for subdivision of land belonging to the petitioner and her three sisters is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, her three sisters referred to supra and other necessary parties, whom the respondent deems fit to enquire.

6.Accordingly, this Court directs the respondent to consider the petitioner's representation dated 03.01.2022 requesting the respondent to sub divide 48 cents of land belonging to the petitioner and her 3 sisters namely, Shanmugavalli, Janaki and Allirani in T.S.No.10/1A1A, Block 14, Ward D, Kodaikanal Town, Dindigul District and issue separate Town Survey Extract, and pass final orders on the said representation, after affording a fair hearing to the petitioner, her three sisters referred to supra and other necessary parties, whom the respondent deems fit to enquire, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-12696[F] dated 17/03/2022)

+1 CC to M/s.M.SARAVANAN, Advocate (SR-12659[F] dated 17/03/2022)

ORDER MADE IN
W.P.[MD]No.4623 of 2022
16.03.2022

PKP/28.03.2022/3P/4C