



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4726 of 2022

S.Pulavarsamy

.. Petitioner

Vs

1.The District Collector,
Collector Office,
Dindigul District - 624 004.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul,
Dindigul District - 624 001.

3.The Tahsildar,
Taluk Office,
Nilakottai Taluk,
Dindigul District - 624 208.

4.The Chief Surveyor,
Taluk Office,
Nilakottai Taluk,
Dindigul District - 624 208.

.. Respondents

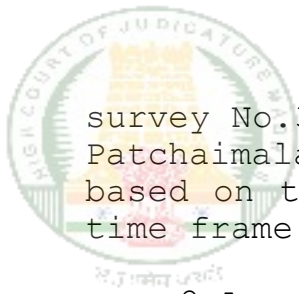
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to issue separate patta in petitioner's favour by measuring and demarcating his lands in survey No.36/14 to an extent of 1 acre, 30 cents situated at Patchaimalaiyankottai Village, Nilakottai Taluk, Dindigul District, based on his representation, dated 08.03.2022.

For Petitioner : Ms.M.Benazir Begum

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue separate patta in the name of the petitioner by measuring and demarcating his lands situated in



survey No.36/14 measuring an extent of 1 acre, 30 cents, situated at Patchaimalaiyankottai Village, Nilakottai Taluk, Dindigul District, based on the petitioner's representation, date 08.03.2022, within a time frame to be fixed by this Court.

2. According to the petitioner, the aforementioned property has been allotted to the petitioner under an oral partition entered into between the petitioner and his brothers. It is the case of the petitioner that originally the petitioner's father was in possession of the entire extent of the property and subsequent to his death an oral partition took place between the petitioner and his brothers and under the said oral partition, the petitioner has been allotted survey number 36/14. He has submitted an application with the respondents seeking for issuance of separate patta and by measuring and demarcating his lands in S.No.36/14 measuring an extent of 1 acre 30 cents situated in Patchaimalaiyankottai Village, Nilakottai Taluk, Dindigul District. Since the said application has not been considered till date, he has filed this writ petition.

3. Heard Mr.M.Benazir Begum, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. No prejudice will be caused to the respondents or any other party, if the application of the petitioner, dated 08.03.2022, seeking for issuance of separate patta in his name by measuring and demarcating his lands in S.No.36/14, measuring an extent of 1 acre 30 cents situated in Patchaimalaiyankottai Village, Nilakottai Taluk, Dindigul District, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the third respondent deems fit to enquire.

5. The petitioner claims that under an oral partition entered into between the petitioner and his brother, he has been allotted the aforementioned property. It is for the third respondent to enquire into the same and decide whether the petitioner is entitled for patta for the survey number 36/14.

6. Accordingly, this Court directs the third respondent, to consider the petitioner's application, dated 08.03.2022, seeking for issuance of separate patta in his name by measuring and demarcating his lands in S.No.36/14, measuring an extent of 1 acre 30 cents situated in Patchaimalaiyankottai Village, Nilakottai Taluk, Dindigul District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and his brothers, who have entered into an oral partition with the petitioner and any other necessary parties, whom the third respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Collector,
Collector Office,
Dindigul District - 624 004.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul,
Dindigul District - 624 001.
3. The Tahsildar,
Taluk Office,
Nilakottai Taluk,
Dindigul District - 624 208.
4. The Chief Surveyor,
Taluk Office,
Nilakottai Taluk,
Dindigul District - 624 208.

+1 CC to M/s.SPL GP (SR-12954[F] dated 18/03/2022)

W.P. (MD) No.4726 of 2022
17.03.2022

TM

MS/24.03.2022/3P.6C