



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5743 of 2022

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1.Meena @ Meenakshiammal

2.Sivaraman

.. Petitioners

Vs

1.The Commissioner,
Tirunelveli Corporation,
S.N.Highroad, Tirunelveli Town.

2.The Assistant Commissioner,
Thachanallur Division,
Tirunelveli Corporation,
Tirunelveli.

3.The Town Surveyor,
Tirunelveli Corporation,
Tirunelveli.

4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli Town,
Tirunelveli.

5.Shanmugasundaram

6.R.Kamala @ Kamalathammal

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to issue individual patta to the petitioners in respect of the plots comprised in Survey No.850, 859 and 860, originally situated at Chathirampudukulam Village, Tirunelveli Taluk, now assigned as Old Plot Number B1, New Plot No.399, Chidambaram Nagar Tirunelveli Corporation Ward A, Block 9, T.S.No.1/1 and consequently, direct the respondents 1 and 2 to enter the name of the petitioners in the Town Survey Register in respect of the above plots, within a time frame that may be stipulated by this Court.

For Petitioners : Mr.R.Pon Karthikeyan

For Respondents : Mr.S.P.Maharajan for R1 to R 3
Standing counsel

Mr.B.Saravanan for R4
Additional Government Pleader



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 4th respondent to issue individual patta to the petitioners in respect of the plots comprised in Survey No.850, 859 and 860, originally situated at Chathirampudukulam Village, Tirunelveli Taluk, now assigned as Old Plot Number B1, New Plot No.399, Chidambaram Nagar Tirunelveli Corporation Ward A, Block 9, T.S.No.1/1 and consequently, direct the respondents 1 and 2 to enter the name of the petitioners in the Town Survey Register in respect of the above plots, within a time frame that may be stipulated by this Court.

2.The petitioners claim ownership of the aforementioned property based on an unregistered partition deed, dated 28.11.1966. According to the petitioners, the 5th and 6th respondents are their siblings. All of them had entered into the aforementioned partition deed. Based on which, they were allotted various properties. The petitioners claim separate patta in respect of the property allotted in their favour under the partition deed. The petitioners have given a representation earlier on 17.09.2021, for the said purpose. Since their representation has not been considered, the petitioners have filed this writ petition.

3.Earlier the 6th respondent has filed a writ petition in W.P. (MD).No.19495 of 2021 and by order dated 08.11.2021, the said writ petition was disposed of by directing the official respondents who are also the very same respondents in this writ petition to consider the grant of individual patta in the name of R.Kamala, the 6th respondent herein after giving notice to all the parties concerned. The petitioners are also seeking for similar relief in this writ petition in respect of their properties allotted under the partition deed.

4.Heard Mr.R.Pon Karthikeyan, learned counsel appearing for the petitioner, Mr.S.P.Maharajan, learned Standing Counsel, who accepts notice on behalf of the respondents 1 to 3 and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the fourth respondent.

5.At the outset the learned Standing counsel for the respondent corporation would submit on instructions that unless and until the petitioners submit an application through online, the same cannot be processed by the official respondents.

6.The learned counsel for the petitioners on instructions would submit that the petitioners are willing to submit a fresh online application seeking for issuance of separate patta in the name of the petitioners. The said statement is recorded.



7.No prejudice will be caused to the respondents, if the petitioner's application is considered on merits and in accordance with law, after affording a fair hearing to the petitioners and the respondents 5 and 6 and any other necessary party, whom the official respondents deem fit to enquire.

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8.Accordingly, this Court directs the petitioners to submit a fresh online application, seeking for issuance of separate patta in respect of the plots allotted to them comprised in Survey Nos.850, 859 and 860, originally situated at Chathirampudukulam Village, Tirunelveli Taluk, now assigned as Old Plot Number B1, New Plot No.399, Chidambaram Nagar Tirunelveli Corporation Ward A, Block 9, T.S.No.1/1 and consequently, direct the respondents 1 and 2 to enter the names of the petitioners in the Town Survey Register in respect of the above plots, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the online application, the fourth respondent shall process the same and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners as well as the respondents 5 and 6 and any other necessary party, whom the fourth respondent deems fit to enquire, within a period of four months thereafter.

9.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 Commissioner,
Tirunelveli Corporation,
S.N.Highroad, Tirunelveli Town.

2.The Assistant Commissioner,
Thachanallur Division,
Tirunelveli Corporation,
Tirunelveli.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Town Surveyor,
Tirunelveli Corporation,
Tirunelveli.

4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli Town,
Tirunelveli.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-15645[F] dated
31/03/2022)

+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-15973[F] dated
01/04/2022)

+1 CC to M/s.SPL GP (SR-16061[F] dated 01/04/2022)

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RK(08/04/2022) 4P 8C