



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5775 of 2022

WEB COPY

E.Gokilavarthini

.. Petitioner

Vs

1.The District Collector,
Theni, Theni District.

2.The District Revenue Officer,
Theni, Theni District.

3.The Tahsildar,
Theni Taluk Office, Theni,
Theni District.

4.The Commissioner,
Theni Town Municipality,
Theni District.

5.The Municipal Surveyor,
Theni Town Municipality,
Theni District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 to 5 to sub divide and issue separate online patta to petitioner's house property situated in Survey No.191 in T.S.No.2/3 having extent of 2000 sq. ft. at Theni Town Municipality Limit, Theni Taluk, Theni District, in the light of the petitioner's representation, dated 15.10.2021, within a stipulated time fixed by this Court.

For Petitioner : Mr.C.M.Ganesan

For Respondents : Mr.T.Amjad Khan for R1 to R3
Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 2 to 5 to sub divide and issue separate online patta to petitioner's house property situated in Survey No.191 in T.S.No.2/3 having extent of 2000 sq. ft. at Theni Town Municipality Limit, Theni Taluk, Theni District, in the light of the petitioner's representation, dated 15.10.2021, within a stipulated



time fixed by this Court.

2.The case of the petitioner is that she is the absolute owner of the aforementioned property, having purchased the same under a sale deed, dated 09.03.2015, registered as document No.2816/2015. The petitioner seeks for subdivision of the survey number and issuance of patta for the aforementioned property in her name. She has already submitted an online application for the said purpose. She has also given a representation on 15.10.2021, to the respondents. Since the same has not been considered till date, she has filed this writ petition.

3.Heard Mr.C.M.Ganesan, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3.

4.The learned Government Advocate appearing for the respondents 1 to 3 on instructions would submit that survey and demarcation of boundaries will have to be done and only thereafter, the application seeking for issuance of patta can be considered on merits and in accordance with law, after affording a fair hearing to all the necessary parties. The said statement is recorded.

5.The learned counsel appearing for the petitioner on instructions, is also agreeable for the submission made by the learned Government Advocate appearing for the respondents.

6.After recording the submissions made by the respective counsels, this Court directs the third respondent to conduct survey and demarcation of the boundaries in respect of the property comprised in Survey No.191 in T.S.No.2/3 having extent of 2000 sq. ft. at Theni Town Municipality Limit, Theni Taluk, Theni District and after survey and demarcation of the boundaries, the third respondent shall consider the online application, seeking for issuance of patta in the name of the petitioner and pass final orders, within a period of four months from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and other necessary parties, whom the third respondent deems fit to enquire. The petitioner will have to pay the necessary charges for survey and demarcation of the boundaries.

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

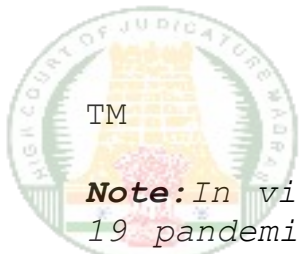
Sd/-

Assistant Registrar(AE)

// 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 District Collector,
Theni, Theni District.
- 2.The District Revenue Officer,
Theni, Theni District.
- 3.The Tahsildar,
Theni Taluk Office, Theni,
Theni District.
- 4.The Commissioner,
Theni Town Municipality,
Theni District.
- 5.The Municipal Surveyor,
Theni Town Municipality,
Theni District.

+1 CC to M/s.SPL GP (SR-16053[F] dated 01/04/2022)

W.P. (MD)No.5775 of 2022

31.03.2022

sb(CO)

TR(12.04.2022) 3P 7C