



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5837 of 2022

WEB COPY

S.Ganesa Ramasubramanian

... Petitioner

Vs.

- 1.The Commissioner,
Tirunelveli Corporation,
S.N.High Road,
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.Valliyammal
- 6.Chitra
- 7.Sankaralingam
- 8.Ponni
- 9.Sivakami
- 10.Ganapathy
- 11.Kannan
- 12.G.Kalyaniammal
- 13.G.Baskar
- 14.G.Thillai Chidambaram
- 15.G.Natarajan
- 16.G.Lakshmi
- 17.Shanmugasundaram
- 18.Navaneethakrishnan Pillai
- 19.Ponnambalapillai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to issue individual patta to the petitioner in respect of the plots comprised in Survey Nos.832, 833 and 834 originally situated at Chathirampudukulam Village, Tirunelveli Taluk, now assigned as old plot number B47 new plot number 739, Chidambaram



Nagar Tirunelveli Corporation Ward A, Block 10, T.S.No.27 and consequently direct the respondents 1 and 2 to enter the name of the petitioner in the Town survey register in respect of the above plot, within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondents 1 to 3 : Mr.S.P.Maharajan
Standing Counsel
For Respondent No.4 : Mr.B.Saravanan
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to issue individual patta to the petitioner in respect of the plots comprised in Survey No.832, 833 and 834, originally situated at Chathirampudukulam Village, Tirunelveli Taluk, now assigned as Old Plot Number B47, New Plot No.739, Chidambaram Nagar Tirunelveli Corporation Ward A, Block 10, T.S.No.27 and consequently, direct the respondents 1 and 2 to enter the name of the petitioner in the Town Survey Register in respect of the above plot, within a time frame to be fixed by this Court.

2.The petitioner claims ownership of the aforementioned property based on an unregistered partition deed, dated 28.11.1966. According to the petitioner, the respondents 5 to 19 are his family members. All of them had entered into the aforementioned partition deed. Based on which, they were allotted various properties. The petitioner claims separate patta in respect of the property allotted in his favour under the partition deed. The petitioner has given a representation earlier on 02.02.2022, for the said purpose. Since the said representation has not been considered, the petitioner has filed this writ petition.

3.Earlier one Kamala 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, after giving notice to all the parties concerned. The petitioner is also seeking for a similar relief in this writ petition in respect of his 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, learned Standing counsel for the respondent corporation would submit on instructions that unless and until the petitioner submits an application through online, the same cannot be perused by the respondents.

6.The learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to submit a fresh online application seeking for issuance of separate patta in the name of the petitioner. 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 petitioner and respondents 5 to 19 and any other necessary party, whom the respondents deem fit to enquire.

8.Accordingly, this Court directs the petitioner to submit a fresh online application, seeking for issuance of separate patta in respect of the plots allotted to him, comprised in Survey Nos.832, 833 and 834, originally situated at Chathirampudukulam Village, Tirunelveli Taluk, now assigned as Old Plot Number B47, New Plot No.739, Chidambaram Nagar Tirunelveli Corporation Ward A, Block 10, T.S.No.27 and consequently, direct the respondents 1 and 2 to enter the name of the petitioner in the Town Survey Register in respect of the above plots, within a period of two [2] 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 petitioner as well as the respondents 5 to 19 and any other necessary party, whom the fourth respondent deems fit to enquire, within a period of four months thereafter.

9.With the aforesaid 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)

MR

To

1.The Commissioner,
Tirunelveli Corporation,
S.N.High Road,
Tirunelveli Town.

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



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

3.The Town Surveyor,
Tirunelveli Corporation,
Tirunelveli.

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

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-15646[F] dated
31/03/2022)

+1 CC to M/s.S.P.MAHARAJAN, Advocate (SR-15972[F] dated
01/04/2022)

+1 CC to M/s.SPL GP (SR-16077[F] dated 01/04/2022)

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