



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6638 of 2022

R.Nagarajan

... Petitioner

/Vs./

1.The District Collector,
Thanjavur District, Thanjavur.

2.The District Revenue Officer,
Kumbakonam, Thanjavur District.

3.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.

4.The Tahsildar,
Kumabakonam Taluk,
Kumbakonam, Thanjavur District.

5.The Taluk Head Surveyor,
Kumbakonam Taluk Office,
Kumbakonam,
Thanjavur District.

6.The Assistant Commissioner /
Executive Officer,
Arulmighu Naganathasamy Temple,
Thirunageswaram, Kumbakonam Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to order sub- division and issue separate house site patta in favour of the writ petitioner with regard to the land comprised in Survey No.195/1 (Old Survey No.295/5D) situated at 116, Sannapuram Revenue Circle, Thirunageswaram, Kumbakonam Taluk, Thanjavur District by considering the petitioner's representation dated 20.07.2017.

For Petitioner : Mr.V.Sasikumar

For R1 to R5 : Mr.M.Lingadurai
Special Government Pleader

For R6 : Mr.V.Chandrasekar
Standing Counsel



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the fourth respondent to order sub-division and issue separate house site patta in favour of the petitioner in respect of the land comprised in Survey No.195/1 (Old Survey No.295/5D) situated at 116, Sannapuram Revenue Circle, Thirunageswaram, Kumbakonam Taluk, Thanjavur District based on the petitioner's representation dated 20.07.2017, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is in possession and enjoyment of the aforementioned property. According to him, it is a grama natham land and based on the erroneous UDR survey, the land is claimed to be owned by a temple now. According to him, similarly placed persons had earlier approached this Court in WP(MD)Nos.6362 of 2015 & 19841 of 2019 in respect of the lands following the very same survey number and their representations seeking for patta were directed to be considered by the respondents by this Court.

3.According to the petitioner, he has constructed a house in the subject land and similarly placed persons have also constructed houses. In such circumstances, he has given a representation on 20.07.2017 seeking for sub-division and issuance of separate house site patta in his name in respect of the aforementioned property. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.V.Sasikumar, learned Counsel for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 5 and Mr.V.Chandrasekar, learned Standing Counsel, who accepts notice on behalf of the sixth respondent.

5.At the outset, the learned Special Government Pleader appearing on behalf of the respondents 1 to 5 would submit that since the representation given by the petitioner is very old, the petitioner has to give a fresh representation. The said statement is recorded.

6.The petitioner has produced documents along with this writ petition to show that he is in possession and enjoyment of the subject property. It is for the respondents to consider the same on merits and in accordance with law. The sixth respondent claims the ownership of the subject property, which is disputed by the petitioner.

7.No prejudice would be caused to the second respondent, if the petitioner's representation seeking for sub-division and issuance of separate house site patta in his name in respect of the aforementioned property is considered on merits and in accordance



with law, after affording a fair hearing to the petitioner, the sixth respondent as well as any other necessary party, whom the second respondent deems fit to enquire.

8.For the foregoing reasons, the petitioner is directed to submit a fresh representation seeking for sub-division and issuance of separate house site patta in his name in respect of the property comprised in Survey No.195/1 (Old Survey No.295/5D) situated at 116, Sannapuram Revenue Circle, Thirunageswaram, Kumbakonam Taluk, Thanjavur District, within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the sixth respondent as well as any other necessary party, whom the second respondent deems fit to enquire, within a period of four [4] months thereafter.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Thanjavur District, Thanjavur.
- 2.The District Revenue Officer,
Kumbakonam, Thanjavur District.
- 3.The Revenue Divisional Officer,
Kumbakonam, Thanjavur District.
- 4.The Tahsildar,
Kumabakonam Taluk,
Kumbakonam, Thanjavur District.
- 5.The Taluk Head Surveyor,
Kumbakonam Taluk Office,
Kumbakonam, Thanjavur District.

+1 CC to M/s.SPL.GP. (SR-18142[F] dated 12/04/2022)

+1 CC to M/s.V. SASIKUMAR, Advocate (SR-18640[F] dated 13/04/2022)

W.P. [MD]No.6638 of 2022

11.04.2022

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