



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7290 of 2022

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Silumbayi

... Petitioner

/Vs./

1.The District Collector,
Karur District, Karur.

2.The Assistant Director,
Land Survey Department,
Karur District, Karur.

3.The Tahsildar,
Kadavur Taluk,
Karur District.

4.The Head Surveyor,
Kadavur Taluk,
Tahsildar Office,
Kadavur,
Karur District.

... Respondents

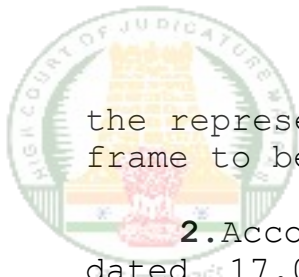
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to subdivide and measure the four boundaries in Patta No.1781, S.No.1667/7A, Edaiyapatti East Village, Kadavur Taluk, Karur District and to issue separate patta in respect of half portion of the above mentioned property in the name of the petitioner and her sister for an extent of 56.5 Heactares (1 Acre 39 ½ Cents), on the basis of the representation of the petitioner dated 08.04.2022 and the Joint Patta No.1781, Edaiyapatti East Village, Kadavur Taluk, Karur District.

For Petitioner : Mr.V.Thirumal

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to subdivide and measure the four boundaries in Patta No.1781, S.No.1667/7A, Edaiyapatti East Village, Kadavur Taluk, Karur District and to issue separate patta, based on



the representation of the petitioner dated 08.04.2022, within a time frame to be fixed by this Court.

2. According to the petitioner, by virtue of a partition deed dated 17.06.2019, registered as Document No.1394 of 2019, the petitioner became entitled to half share of the aforementioned property. The petitioner seeks for issuance of separate patta in her name pursuant to the partition deed dated 17.06.2019. She also seeks for survey and demarcation of boundaries. The petitioner has given a representation on 08.04.2022 to the respondents for the said purpose. She has also paid the necessary charges. Since the representation has not been considered till date, she has filed this writ petition.

3. Heard Mr.V.Thirumal, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. No prejudice would be caused to any of the parties, if survey and demarcation of the petitioner's property pursuant to the partition deed dated 17.06.2019 registered as Document No.1394 of 2019 is done in the presence of the petitioner and other necessary parties, including the parties to the partition deed dated 17.06.2019.

5. Once survey and demarcation of the boundaries is done by the respondents, the petitioner's application seeking for separate patta for her portion allotted under the partition deed dated 17.06.2019 registered as Document No.1394 of 2019 shall also be considered by the respondents on merits and in accordance with law, after affording a fair hearing to the petitioner.

6. For the foregoing reasons, this Court directs the third respondent with the assistance of the fourth respondent to conduct survey and demarcation of the boundaries of the petitioner's half share in the property comprised in S.No.1667/7A, Edaiyapatti East Village, Kadavur Taluk, Karur District, which was allotted to her under the partition deed dated 17.06.2019 registered as Document No.1394 of 2019 in the presence of the petitioner and other necessary parties, whom the third respondent deems fit to put on notice, including the parties to the partition deed dated 17.06.2019 and after survey and demarcation of boundaries is done, the third respondent shall consider the petitioner's application seeking for issuance of separate patta for her property on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the third respondent deems fit to enquire. The aforesaid exercise shall be completed by the third respondent within a period of four (4) months from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Karur District, Karur.
2. The Assistant Director,
Land Survey Department,
Karur District, Karur.
3. The Tahsildar,
Kadavur Taluk,
Karur District.
4. The Head Surveyor,
Kadavur Taluk,
Tahsildar Office,
Kadavur,
Karur District.

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MGJ(12.05.2022) 3P 5C