



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.21698 of 2021

Chellathurai

... Petitioner

vs.

1.The District Collector,
Kanyakumari District @ Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram Sub Division,
Thuckalay, Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Thuckalay, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to dispose the petitioner's application No.2021/0105/30/180897, dated 21.06.2021 for sub division of land in Re.S.No.816/7A Villukuri-C Village, Kalkulam Taluk and grant separate patta in favour of the petitioner.

For Petitioner :Mr.K.Vamanan

For Respondents :Mr.N.Satheeshkumar

Additional Government Pleader

O R D E R

Heard Mr.K.Vamanan, learned Counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader for the respondents.

2.This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents to dispose the petitioner's application No.2021/0105/30/180897, dated 21.06.2021 for sub division of land in Re.S.No.816/7A Villukuri-C Village, Kalkulam Taluk and grant separate patta in favour of the petitioner.

3.In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner had purchased the aforesaid property by way of two sale deeds, dated 03.11.2005 and 04.08.2006. They measure 3 cents and 5 cents respectively and the total measurement is 8 cents.



4.The National Highways Authority of India (NHAI) had announced acquisition of lands for laying NH-47 in the year 2010 and out of 8 cents, 4.54 cents of the petitioner's land had been acquired for the aforesaid project. The petitioner still has possession and claims title to the reminder 3.45 cents.

5.Mr.N.Satheesh Kumar, learned Additional Government Pleader stated that there is some discrepancy in the area of the land in occupation of the petitioner and also stated that there is reasonable apprehension that the possession is also with some other individuals. At any rate, that is an issue to be examined by the third respondent and for that purpose, enquiry can be conducted while considering the application of the petitioner.

6.Mandamus is issued to the third respondent to issue notice to the petitioner, to make a field visit, to measure the property, to lay the boundary stones and determine the area of the property and if anybody else is in possession, issue notice to him and make a complete enquiry and thereafter, pass orders either to comply with the requirements in the application or pass necessary orders giving reasons for declining to comply with the requirements in the requisition of the application. The entire exercise must be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the said observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Kanyakumari District @ Nagercoil.

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Padmanabhapuram Sub Division,
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3.The Tahsildar,
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+1 CC to M/s.SPL.GP (SR-603[F] dated 06/01/2022)

W.P. (MD) No.21698 of 2021

05.01.2022