



W.P.(MD)No.25915 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

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S.Subramanian

... Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Vadipatti Taluk,
Madurai District.

2.The Tahsildar,
Taluk Office,
Vadipatti Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to rectify the errors in the sub-division of Survey No.18/9 as Survey No.538, which is classified as vacant land in the FMB sketch and village accounts and issue sub-division Patta for the land measuring an extent of 22 cents, situated at Mullipallam Village, Vadipatti Taluk, Madurai District, as per boundaries mentioned in the sale deed dated 01.02.1949, registered as Document No. 742/1949, on the file of Sub-Registrar, based on the petitioner's petition, dated 25.09.2020.

For Petitioner : Mr.S.Atham Ali

For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to rectify the errors in the sub-division of Survey No.18/9 as Survey No.538, which is classified as vacant land in the FMB sketch and village accounts and issue sub-division Patta for the land measuring an extent of 22 cents, situated at Mullipallam Village, Vadipatti Taluk, Madurai District, as per boundaries mentioned in the sale deed dated 01.02.1949, registered as Document No.742/1949, on the file of Sub-Registrar, based on his petition, dated 25.09.2020.

2. Heard Mr.S.Atham Ali, learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that his grandfather namely, Palani Chettiar, S/o.Sukiran Chettiar, purchased the property bearing S.No.18/9, measuring an extent of 22 cents from one Ramasamy Iyer and his brother Seenivasa Iyer, through a registered sale deed, bearing Document No.851 of 1949, dated 09.03.1949 and Patta also stood in his name and he was in peaceful



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possession and enjoyment of the property by cultivating coconut trees in the said land. After the demise of his grandfather, the petitioner's father namely, Subbiah Chettiar executed a sale deed, in respect of 7 ¼ cents of land in favour of his sister's husband Perumal Chettiar and the petitioner's father partitioned the remaining land with his brother Muthusamy Chettiar. In the said circumstances, at the time of UDR Scheme, the land was sub-divided and New S.No.538 was assigned, but in the FMB Sketch, the land was declared as vacant land and Patta has not been issued to the said land. The petitioner had already constructed a house in the said land and E.B. connection was also given to his house. Till date, the petitioner is in peaceful possession and enjoyment of the same. In order to rectify the said error, the petitioner approached the respondents by way of filing a petition on 25.09.2020 and the same was taken on file and a summon was also served on him. Thereafter, no action has been taken. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4. The learned Government Advocate appearing for the respondents submitted that the petitioner's Petition, dated 25.09.2020, would be disposed of on merits and in accordance with law, within a time frame.



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5. Recording the aforesaid submission made by the learned Government Advocate appearing for the respondents, this Court, without going into the merits of the case, directs the first respondent to dispose of the petitioner's Petition, dated 25.09.2020, on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties, within a period of 20 weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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