



WEB COPY

W.P.No.20890 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20890 of 2023

J.Suganth

... Petitioner

Vs.

The Tahsildar,
Erode.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to complete the Sub Division process pending in Application No.2023/0154/10/000596 dated 21.04.2023.

For Petitioner : Ms.N.Mohanapriya

For Respondent : Mr.E.Sundaram
Government Advocate



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W.P.No.20890 of



ORDER

The relief sought for in the present writ petition is to direct the respondent to complete the Sub Division process pending in Application No.2023/0154/10/000596 dated 21.04.2023.

2. The petitioner states that the petitioner is the owner of the property located in T.S.Nos.68, 69, 71, Block No.19, Erode Town, Erode Taluk measuring an extent of 0.523.81 Hectares. The petitioner submitted an application for sub-division of the subject property and the application was not considered by the respondents. Thus, the petitioner is constrained to move the present writ petition.

3. The learned Government Advocate appearing on behalf of the respondent brought to the notice of this Court that the enquiry notice sent by the Revenue Tahsildar indicates that the Civil Suit has already been instituted in O.S.No.124 of 1999 and more so, the adjacent patta holders namely Palanaisamy, Lingamurthy, Naresh Chandhiran, Parameshwari raised an objection for sub-dividing the subject property.



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4. When there is an objection from the adjacent patta holders, the Government Surveyors may not be in a position to conduct survey. In such circumstances, the parties are to be relegated to approach the Competent Civil Court of Law for the purpose of establishing their rights. The Revenue Authorities or the Survey officials cannot adjudicate the disputed facts between the parties. More specifically, with reference to the boundaries. Thus, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of resolving the issues in the manner known to law.

5. With these observations, this Writ Petition stands disposed of. No costs.

14.07.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Tahsildar,
Erode.



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W.P.No.20890 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.20890 of 2023

14.07.2023