



WEB COPY



WP.No.9533 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.9533 of 2024

N.C.Perumal

.. Petitioner

Versus

1.The Tahsildar
Mettur Taluk
Mettur, Salem District

2.The Taluk Surveyor
Taluk Office
Mettur Taluk
Mettur, Salem District

3.The Inspector of Police
Nangavalli Police Station
Jalagandapuram
Mettur Taluk, Salem District

4.Venkatachalam

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to effect sub division and issue separate patta to the petitioner after taking measurements and fixing the boundaries of the petitioner's land measuring 7.59 acres out of 9.32 acres in S. No 198/2 patta No. 1501, Periyasoragai Village, Mettur Taluk, Salem district by getting assistance from the 3rd respondent.

For Petitioner : Mr.P.Mani



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For Respondents : Mr.A.Selvendran for R1 to R3
Special Government Pleader

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ORDER

This writ petition is filed for a direction to the respondents 1 and 2 to effect sub-division and issue separate patta to the petitioner after taking measurements and fixing the boundaries of the petitioner's land measuring 7.59 acres out of 9.32 acres in S. No 198/2 patta No. 1501, Periyasoragai Village, Mettur Taluk, Salem district by getting assistance from the 3rd respondent.

2. Heard learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The petitioner submitted an online application on 02.09.2023 and a representation on 21.11.2023 with a request to sub-division and issuance of patta, which is pending without consideration.

4. Considering the limited relief sought for in this writ petition, the respondents 1 and 2 are directed to consider the online application on 02.09.2023 and a representation on 21.11.2023 and pass appropriate orders on the petitioner's representation for sub-division issuance of patta, on merits and in accordance with law, after giving notice to the fourth respondent and any



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other interested persons. Such exercise shall be completed within a period of three months from the date of receipt of copy of this order. The fourth respondent is claiming himself as a cultivating tenant has filed a suit in O.S.No.167 of 2023 on the file of District Munsif, Mettur. This Court is the view that mere claiming of tenancy right, the change in the name of the owner cannot be prevented. At the most, the fourth respondent can establish the right over the property as a cultivating tenant. It is made clear that after giving opportunity to the fourth respondent, the property shall be sub-divided.

5. With the above direction, this writ petition is disposed of. No costs.

08.04.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

N. SATHISH KUMAR, J.

dhk

To,

<https://www.mhc.tn.gov.in/judis>



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