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W.P.No.13486 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09..07..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.13486 of 2023

Dinesh Babu

..... Petitioner

-Versus-

1.The Revenue Divisional Officer,
Arni, Tiruvannamalai District.

2.The Tahsildar,
Arni Taluk, Tiruvannamalai District.

3.Kumaresan

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the respondents to survey and issue individual patta by making sub-division in favour of the petitioner in respect of the property situated in Survey No.187/6B15A, to an extent of 6 cents situated at Sevir Village, Arani Taluk, Tiruvannamalai District.

For Petitioner(s) : Mr.S.Sivakumar

*For Respondent (s) : Mr.G.Ameedius,
Government Advocate
for R1 & R2*



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ORDER

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This writ petition has been filed seeking a writ in the nature of mandamus, directing the respondents to survey and issue individual patta by making sub-division in favour of the petitioner in respect of the property situated in Survey No.187/6B15A, to an extent of 6 cents situated at Sevrur Village, Arani Taluk, Tiruvannamalai District.

2. According to the petitioner, he is the owner of the property comprised in S.NO.187/6B1A measuring an extent of 6 cents out of 75 cents situated at Sevrur village, Arani Taluk, Tiruvannamalai District, having purchased the same through a sale deed dated 12.05.2017 from one B.Mahalakshmi and Rajendran vide Doc.No.2035 of 2017. He made an application for subdivision and issuance of separate patta on 06.12.2021. The grievance of the petitioner is although four years had elapsed, no action was taken by the 2nd respondent on his request for sub division and separate patta. Thereafter, according to the petitioner, he made an application again on 26.07.2019 followed by another application on 20.01.2023 for issuance of separate patta in his favour. Pending such request, 3rd party interest have been created by way of fraudulent transactions. Hence, this petition.

3. Heard both sides.



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4. At the outset, this court is of the view that no positive direction as prayed in the writ petition could be granted. It is for the revenue authorities to consider the request for sub division of a land and issuance of separate patta.

5. The 3rd respondent is not served and notice is awaited. Having regard to the order that is going to be passed in the matter would no way cause any prejudice to the 3rd respondent, this court is of the view that hearing of the 3rd respondent may not be necessary.

6. Considering the nature of relief sought and the averments made in the writ petition, this court, without going into the merits of the case, directs the respondents 1 & 2 to consider the applications of the petitioner dated 26.07.2019 and 20.01.2023 for sub division of the land in S.NO.187/6B1A of Sevrur Village and separate patta and pass appropriate orders thereof on merits after giving notice to the 3rd respondent. The 2nd respondent shall dispose of the applications of the petitioner for sub division and separate patta within a period of three months from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly with the above directions.

No costs.

Index : yes / no
Neutral Citation : yes / no
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N.SATHISH KUMAR.J.,

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