



WEB COPY



WP.No.21606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.21606 of 2024

R.Selvarajan

.. Petitioner

Versus

1. The Tahsildar
Mettur Taluk, Mettur
Salem District

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

3.Poornima
4.Marimuthu
5.Vahini

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitions submitted by the petitioner and his brother on 21.06.2021, 27.12.2021, 29.07.2022 and 24.06.2024 seeking sub division of the land in S.No.240/1C, Pottaneri Nallagoundanpatti Village, Mettur Taluk, Salem District and issue of separate patta to the petitioner, his brother, sisters and mother Jointly with respect to 38 cents.

For Petitioner : Mr.P.Mani

For Respondents : Mr.A.Selvendran
Special Government Pleader



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ORDER

This writ petition is filed directing the 1st respondent to consider the petitions submitted by the petitioner and his brother on 21.06.2021, 27.12.2021, 29.07.2022 and 24.06.2024 seeking sub division of the land in S.No.240/1C, Pottaneri Nallagoundanpatti Village, Mettur Taluk, Salem District and issue of separate patta to the petitioner, his brother, sisters and mother Jointly with respect to 38 cents.

2. By consent of both parties, this writ petition is taken up for final disposal. Since no adverse order is passed against the private respondents, notice to them is dispensed with.

3. Heard both sides and perused the materials placed on record.

4. It is the case of the writ petitioner that the petitioner and his brother, sister and mother are the absolute owner of 1.44 acres in S.No.240/1, Pottaneri Nallagoundanpatti Village, Mettur Taluk. In this regard, suit was filed in O.S.No.463 of 1997 on the file of District Court, Mettur against the petitioner's paternal uncle Thoppa Gounder for declaration of their title over the said 1.44 acres and for permanent injunction. The suit was decreed on 10.03.2003, appeal in A.S.No.25 of 2003 was dismissed and S.A.No.177 of 2005 was also



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allowed in favour of the petitioner on 10.03.2020 by this Court. However, during the sub-division of patta, patta was granted only for 1.06 acres and remaining 38 cents were not included the patta. Hence, representation was given from time to time seeking for issuance of patta in light of the judgments passed by the Court, however, the same is pending without consideration till date. Hence, this writ petition.

5. Such view of the matter, considering the limited relief sought for in this writ petition, this Court without going into the merits of the case directs the first respondent to consider the applications of the petitioner dated 21.06.2021, 27.12.2021, 29.07.2022 and 24.06.2024 as per the judgment and decree made in S.A.No.177 of 2005 dated 10.03.2020, after giving opportunity of hearing to the private respondents and pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands disposed of. No costs.

02.08.2024

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

N. SATHISH KUMAR, J.



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To

1. The Tahsildar
Mettur Taluk, Mettur
Salem District

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

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