



WEB COPY



WP.No.21434 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.21434 of 2024

Muthukumar

.. Petitioner

Versus

1. The District Collector,
Erode District, Erode.
2. The District Revenue Officer,
Erode District, Erode.
3. The Revenue Divisional officer,
Gobichettipalayam, Erode District.
4. The Tahsildar, Gobichettipalayam Taluk,
Gobichettipalayam, Erode District.
5. The Head Surveyor, Gobichettipalayam Taluk,
Gobichettipalayam, Erode District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the fourth and fifth respondents to issue sub division patta to an extent of 6.66 cents out of 10 acres in survey Number 300/1 situated Vellankovil Village, Gobichettipalayam Taluk, Erode District pursuant to the petitioner representation dated 29.2.2024 and the final decree in I.A.No.553 of 2012 dated 26.10.2016 and sale deed document No.1010 of 2023

dated 25.2.2023.

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For Petitioner : Mr.K.Karthiga

For Respondents : Mr.S.J.Mohamhed Sathik
Additional Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to direct the fourth and fifth respondents to issue sub division patta to an extent of 6.66 cents out of 10 acres in survey Number 300/1 situated Vellankovil Village, Gobichettipalayam Taluk, Erode District pursuant to the petitioner representation dated 29.2.2024 and the final decree in I.A.No.553 of 2012 dated 26.10.2016 and sale deed document No.1010 of 2023 dated 2.5.2023.

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



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4. The case of the petitioner is that the vendor of the petitioner filed a suit for partition and final decree has also been passed in the suit, as against which an appeal has been filed in A.S.No.75 of 2017 and the same is pending. The grievance of the petitioner is that though he has given a representation to the respondents for sub division patta, the same has not been considered by the respondents till date. Hence, the present Writ Petition.

5. The very affidavit filed along with the Writ Petition indicate that as against the allotment in the final decree, an appeal is pending in A.S.No.75 of 2017 before the III Additional District and Sessions Court, at Gobichettypalayam. In such view of the matter, issuance of direction for patta or sub division may not be feasible. Hence, the authorities shall consider the representation of the petitioner after disposal of the appeal in A.S.No.75 of 2017 on the file of the III Additional District and Sessions Court, at Gobichettypalayam.

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

30.07.2024

vrc



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Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

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Erode District, Erode.
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N. SATHISH KUMAR, J.

vrc

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