



WEB COPY



W.P.No.28055 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.28055 of 2023
and
W.M.P.No.27567 of 2023

1. Madevan
2. Rajamanickam

... Petitioners

Vs.

Tahsildhar,
Sathyamangalam Taluk,
Erode District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondent to survey the land and sub divide the property in S.F.No.324/1 with an extent of 3.25.0 Hec. and S.F.No.324/2 (old S.F.No.31) with an extent of 0.10.0 Hec. in Kottamalam Village, Sathyamangalam Taluk, Erode District in terms of the judgment dated 16.09.2013 in O.S.No.40 of 2013 passed by Sub Court, Sathyamangalam as confirmed by III Additional District Court, Gobichettipalayam, Erode District in A.S.No.27 of 2019 on 09.04.2021 by considering the petitioner's representation dated 13.03.2023.



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For Petitioners : Mr.Titus Enock
For Respondent : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

Mr.M.R.Gokul Krishnan, learned Additional Government Pleader takes notice on behalf of the Respondent.

2. The above Writ Petition is filed for a Mandamus to consider the Petitioners representation dated 13.03.2023 for surveying the land and sub dividing the property in S.F.No.324/1 measuring an extent of 3.25.0 Hectares and S.No.324/2 (Old S.No.31) measuring an extent of 0.10.0 Hectares in Kottamalam Village Taluk, Erode District as per Judgment and Decree dated 16.09.2013 in O.S.No.40 of 2013.

3. The Petitioners are aggrieved that the survey has not taken place despite the Order of the Court.

4. Heard the learned counsel on either side.



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WEB COPY 5. Considering the request of the Petitioners and also the fact that the Petitioners have made their representation as early as on 13.03.2023, a mandamus is issued to the Respondent to conduct survey and subdivision of the petition mentioned property. The Petitioners shall submit all the relevant records to show their title to the property and the Respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this Order.

6. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

04.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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P.T.ASHA, J.

rgm

To

Tahsildhar,
Sathyamangalam Taluk,
Erode District.

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and

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