



W.P.No.30157 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 15.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.30157 of 2024

S.Kamaraj

... Petitioner

VS.

- 1.The District Collector,
The District Collectorate,
Nagapattinam District,
Nagapattinam.
- 2.The District Revenue Officer,
The District Collectorate,
Nagapattinam District,
Nagapattinam.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Vedharanyam Taluk,
Nagapattinam District,
Nagapattinam.
- 4.The Tahsildar,
O/o. the tahsildar,
Vedharanyam Taluk,
Nagapattinam District,
Nagapattinam.



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5. The Surveyor,
O/o. The Tahsildar,
Vedharanyam Taluk,
Nagapattinam District,
Nagapattinam.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 4 and 5 to survey the said property, mark the boundaries based on metes and bounds, make the sub-divisions and provide him with an absolute patta for the said property based on the representation dated 06.04.2024.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the respondents 4 and 5 to survey his property, sub-divide the same and issue separate patta based on his representation dated 06.04.2024.



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3. A perusal of the representation submitted by the petitioner would suggest that the petitioner seeks survey, sub-division and issue of separate patta in respect of the property comprised in Old S.No.125/3A1, New S.No.125/3A1A) situated at Vellapallam Village, Vellapallam Panchayat Union, Vedharanyam Taluk, Nagapattinam Registration District, Thirupoondi Sub-Registration District. In respect of the very same property, the petitioner filed a civil suit in O.S.No.130 of 2020 on the file of the District Munsif-cum-Judicial Magistrate Court, Vedharanyam and obtained a decree directing the respondents 4 and 5 herein to effect sub-division and issue separate patta in favour of the petitioner.

4. When the petitioner already obtained a decree for effecting sub-division and issue of separate patta before the Civil Court, it is for him to file execution petition in the manner known to law. The petitioner is not entitled to invoke Article 226 of the Constitution of India for the very same relief.

5. Accordingly, this Court is not inclined to issue any direction to respondents to consider his request. However, it is open to the petitioner to



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execute the decree obtained by him in O.S.No.130 of 2020, dated 29.09.2023 on the file of the District Munsif-cum-Judicial Magistrate Court, Vedharanyam.

6. With this observation, the Writ Petition stands dismissed. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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S.SOUNTHAR, J.

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