



W.P.No.33649 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33649 of 2024

I.Velayutham

...Petitioner

Vs.

1.The District Collector
Kallakurichi District,
Kallakurichi.

2.The Revenue Tahsildar
Kallakurichi Taluk,
Kallakurichi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondents to effect sub division and grant patta for 6 ½ cents in S.F.No.327/5C1A, Kallakurichi Village and Kallakurichi District by considering petitioner's online application in Can No.13307073132117 and Application No.2023/ 0105/ 33/ 459981 dated 02.12.2023.



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For Petitioner : Mr. N.Manoharan.

For Respondents : Mr. G.Velu
Additional Government Pleader.

ORDER

The above Writ Petition has been filed seeking mandamus to the respondents to effect sub division and grant patta for 6 ½ cents in S.F.No.327/5C1A, Kallakurichi Village and Kallakurichi District by considering the petitioner's online application in Can No.13307073132117 and Application No.2023/ 0105/ 33/ 459981 dated 02.12.2023.

2. The petitioner would submit that he has purchased the property from one Periyamayagam vide sale deed dated 08.12.1986. The grievance of the petitioner is that one Abdul Rahseed filed



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O.S.No.105 of 2016 on the file of the Principal District Munsif, Kallakurichi, against the petitioner and his wife for the relief of permanent injunction in respect of 20 cents in S.F.No.327/4. Meanwhile, the petitioner presented his representation on 09.09.2014 to conduct survey to fix boundaries and to issue patta for his 6 ½ cents in S.F.No.327/5. Since the said representation was not considered, the petitioner filed W.P.No.5723 of 2018 before this Court seeking mandamus to the 2nd respondent to consider his representation. This Court by order dated 14.03.2018 directed the 2nd respondent to consider the representation of the petitioner and pass orders.

3. The petitioner would submit that the orders of this Court was not complied with by misquoting the suit in O.S.No.105 of 2016. The petitioner would submit that the suit in O.S.No.105 of 2016 is in respect of S.F.No.327/4 and not in respect of the petitioner's property, i.e., S.F.No.327/5C1A. The petitioner would further submit that his online application dated 02.12.2023 is pending for more than 10



months. Hence, he seeks mandamus directing the respondents to effect subdivision.

4. Heard the learned counsels on the either side and perused the records.

5. Considering the facts and circumstances of the case, the respondents are directed to conduct survey of the subject property. The petitioner shall submit all the relevant records to show his title to the property and the respondents 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 said exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.



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6. The Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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