



WEB COPY



W.P.No.34647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM

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

W.P.No.34647 of 2024
and
W.M.P.No.37573 of 2024

1. P.Manickam
2. M.Muniyammal

... Petitioners

Vs.

1. The District Collector,
Dharmapuri District.

2. The Thasildar,
Nallampalli Taluk,
Dharmapuri District.

3. The Head Surveyor,
Nallampalli Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 2nd Respondent to sub-divide the said land by measuring the land and to issue separate Patta in the name of the petitioners for the property being all that piece and parcel of land comprised in S.Nos.19/2, S.No.19/4, S.No.19/7 and S.No.107/7A situated at Pangunatham Village, Nallampalli Taluk, Dharmapuri District based on the petitioner representation dated 16.08.2024.



W.P.No.34647 of 2024

For Petitioners : Mr.M.Selvam

For Respondents : Mr.P.Sathish

Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus to direct the 2nd Respondent to sub-divide the said land by measuring the land and to issue separate Patta in the name of the petitioners for the property being all that piece and parcel of land comprised in S.Nos.19/2, S.No.19/4, S.No.19/7 and S.No.107/7A situated at Pangunatham Village, Nallampalli Taluk, Dharmapuri District based on the petitioner representation dated 16.08.2024.

2. A brief facts of the case is that the Petitioners are the owners of the afore mentioned land which totally measuring an extent of 38 cents. The lands originally belonged to the 2nd Petitioner's father Chinnannan who had executed a Will bequeathing the properties on the Petitioners herein by a Will dated 12.06.1974. On the death of the said Chinnannan and the Will dated 12.06.1974, the Petitioners have been in possession and enjoyment of the said land. The Patta in respect of these lands are Patta Nos.1002, 1847 and 1862 respectively. The Petitioners have been paying tax in respect of the



W.P.No.34647 of 2024

said properties. The Petitioners contention is that he and his wife are residing at the 1st Petitioner home town and taking advantage of the situation, one Chinnasamy and others attempted to disturb the Petitioners possession and enjoyment of the property. Therefore, the Petitioners had filed Suit in O.S.No.55 of 2017 on the file of the District Munsif-cum-Judicial Magistrate, Pennagaram for a declaration and an injunction.

3. The said Suit was decreed in favour of the Petitioners by a Judgement and Decree dated 14.09.2018 and a Patta also stands jointly in the name of the Petitioners and others. The property has not been sub divided. Therefore, the Petitioners have made an application on 19.05.2023 for surveying sub-dividing and granting of Patta. There has been no response to the same though over an year has passed. Therefore, the Petitioners have filed this Writ Petition.

4. Heard the learned counsel on either side.

5. Though the Petitioners have filed an application on 19.05.2023 and renewed the same on 16.08.2023, the 2nd Respondent has not proceeded with



W.P.No.34647 of 2024

the sub-dividing and granting of Patta. Therefore, a Mandamus is issued directing the 2nd Respondent to consider the application dated 19.05.2023 and 16.08.2024, after issuing notice to the Petitioners, the adjacent land owners and the other interested parties, hold an enquiry and if objections are received, dispose of the same after affording an opportunity for personal hearing. In case of any rejection a speaking order shall be passed. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is closed.

25.11.2024

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



WEB COPY



W.P.No.34647 of 2024

To

1. The District Collector,
Dharmapuri District.
2. The Thasildar,
Nallampalli Taluk,
Dharmapuri District.
3. The Head Surveyor,
Nallampalli Taluk,
Dharmapuri District.



WEB COPY



W.P.No.34647 of 2024

P.T.ASHA, J.

rgm

W.P.No.34647 of 2024
and
W.M.P.No.37573 of 2024

25.11.2024