



W.P.No.35945 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

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

W.P.No.35945 of 2024

and

W.M.P.Nos.38831 and 38832 of 2024

P.Mani

... Petitioner

Vs.

1. The District Revenue Officer,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
2. The Revenue Divisional Officer,
Arni,
Tiruvannamalai District.
3. The Tahsildar,
Taluk Office,
Kalasapakkam Taluk,
Tiruvannamalai District.
4. The Taluk Surveyor,
Taluk Office,
Kalasapakkam Taluk,
Tiruvannamalai District.



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5. The Village Administrative Officer,
Kappalur Village Account,
Kalasapakkam Taluk,
Tiruvannamalai District.

6. Prabakaran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the entire records pertains to the order of 3rd respondent dated 07.01.2022, made in P.M.A4/1066/2021, quash the same and further direct the 3rd Respondent to survey and sub divide the petitioner's lands and to grant patta in petitioner's name to the properties situated in S.No.326/1A to the total extent of 997 sq.ft of land in Kappallur Village Account, Kalasapakkam Taluk, Tiruvannamalai District.

For Petitioner : Mr.A.Gouthaman

For R1 to R5 : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

Mr.M.R.Gokul Krishnan, learned Additional Government Pleader takes notice on behalf of the Respondents 1 to 5.



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2. This Writ Petition has been filed for a Certiorarified Mandamus to call for the entire records which pertains to the order of 3rd respondent dated 07.01.2022, made in P.M.A4/1066/2021, quash the same and further direct the 3rd Respondent to survey and sub divide the petitioner's lands and to grant patta in the petitioner's name to the properties situated in S.No.326/1A to the total extent of 997 sq.ft of land in Kappallur Village Account, Kalasapakkam Taluk, Tiruvannamalai District.

3. The case of the Petitioner is that the property measuring to an extent of 997 ½ sq.feet comprised in Kappalur Village Account, Kalasapakkam Taluk, Tiruvannamalai District belonged to the Petitioner and his family members. By virtue of a Partition Deed dated 12.07.1973, the Petitioner was allotted 498 ¾ sq.ft comprised in S.No.326/1A at Kappalur Village Account, Kalasapakkam Taluk, Tiruvannamalai District. The Petitioner's brother namely Anuciappa Nainar was also allotted the same extent of land. While so, the Petitioner had purchased the land from his brother measuring to an extent of 498 ¾ sq.ft comprised in S.No.326/1A at Kappalur Village Account, Kalasapakkam Taluk, Tiruvannamalai District under a Sale Deed



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dated 11.06.1999 registered as Document No.632 of 1999 on the file of SRO, Kalasapakkam and therefore, the Petitioner is entitled to the entire extent of 997 ½ sq.ft. The Petitioner had given a petition to the 3rd Respondent to measure the property and subdivide the same. The Petitioner had also paid the necessary charges for the same, however no action has been taken by the Respondents. Therefore, the Petitioner has approached this Court in W.P.No.12325 of 2021. This Court by an Order dated 16.09.2021 had disposed of the Writ Petition with a direction to the Respondents to pass appropriate orders after issuing notice to all the parties concerned within a period of eight (8) weeks. Based on the Order passed by this Court on 16.09.2021 in W.P.No.12325 of 2021, the 3rd Respondent had passed an Order on 07.01.2022 for subdivision of S.No.326/1A and granted Patta only to an extent of 00037 sq.meter. Aggrieved by the same, the Petitioner is before this Court.

4. Heard the learned counsel on either side and perused the materials available on record.

5. The Impugned Order dated 07.01.2022 does not give any reason



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as to how when the Petitioner has submitted documents to show his right and title to 997 ½ sq.feet. The 3rd Respondent has sub-divided and granted a lesser extent. It is clear that the 3rd Respondent has not applied his mind to the documents submitted before this Court. Therefore, the Impugned Order is set aside. Accordingly, the Writ Petition is allowed by directing the Respondents to issue Patta in favour of the Petitioner as per the Sale Deed. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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



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P.T.ASHA, J.

rgm

To

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