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WP.No.35372 of 2024

In the High Court of Judicature at Madras

Dated : 28.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35372 of 2024

Ramachandiran

...Petitioner

Vs

1.The District Collector,
Kallakurichi District.

2.The Tahsildar, Kallakurichi
Taluk, Kallakurichi District.

3.The Head Surveyor,
Kallakurichi Taluk,
Kallakurichi.

4.The Firka Surveyor, Nagalur
Firka, Kallakurichi Taluk,
Kallakurichi District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to process the petitioner's application in transfer vide Can No.13333077670602 and application No.2024/N105/33/000719 dated 20.4.2024 for sub-division of the petitioner's property and issue patta by conducting survey and mark boundaries of the petitioner's property in natham survey No.222/7A to an extent of 1,950 sq.ft. in patta No. 876, Asakalathur Village, Kallakurichi Taluk, Kallakurichi District.



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For Petitioner : Mr.K.Thenrajan
For Respondents : Mr.S.Jayachandran, GA

ORDER

Seeking a Mandamus to the second respondent to consider his application dated 20.4.2024 for conducting a survey, demarcating the boundaries, subdividing the property and issuing patta in S.No.222/7A measuring an extent of 1,950 sq.ft. in patta No.876, Asakalathur Village, Kallakurichi Taluk, Kallakurichi District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate accepting notice for the respondents.

3. The petitioner would contend that he and his neighbour one Mr.Manikandan purchased two properties by way of (i) a sale deed dated 28.3.2018 registered as doc.No.344 of 2018; and (ii) a sale deed vide doc.No.393 of 2010, both on the file of the Sub-Registrar, Nagalur, totalling to an extent of 1,950 sq.ft. Later, for the purpose of construction, they exchanged the said properties whereby the petitioner acquired 975 sq.ft and the said Mr.Manikandan acquired 975 sq.ft. and an exchange deed was also executed them on 26.3.2024 vide doc.No.687 of 2024 on the file of the same Sub-Registrar. From the



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date of execution of the said exchange deed, the petitioner is in possession of the said 975 sq.ft. of the subject property. Thereafter, the petitioner made an online application to the second respondent on 20.4.2024 to conduct a survey of the entire extent of 1,950 sq.ft, demarcate the boundaries, subdivide the property and transfer patta in the name of the petitioner. Despite that, the second respondent has not taken any further steps. Hence the writ petition.

4. The fact that an extent of 975 sq.ft has been exchanged by both the petitioner as well as the said Mr.Manikandan is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner wanted to subdivide the entire extent of 1,950 sq.ft., he requested the second respondent for patta transfer in his favour, for which purpose, he also sought for surveying, demarcating and subdividing the land.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to conduct survey of the property acquired by the petitioner vide the exchange deed dated 26.3.2024. The petitioner shall submit all the relevant records to show his title to that property and the second respondent shall, after issuing notice to the adjacent land owners and



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interested parties, hold an enquiry and thereafter, pass orders either surveying and subdividing the property, demarcating the boundaries and issuing patta or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

28.11.2024

To

- 1.The District Collector,
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- 3.The Head Surveyor,
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Kallakurichi.
- 4.The Firka Surveyor, Nagalur
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