



WEB COPY



WP.No.34895 of 2024

In the High Court of Judicature at Madras

Dated : 26.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34895 of 2024

N.Sampath

...Petitioner

Vs

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Tahsildar, Karimangalam
Taluk, Dharmapuri 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 consider the petitioner's representation dated 30.1.2023 and to issue patta in the petitioner's name for the lands bearing survey Nos.456/1C and 456/1D comprised in Vagurappampatti Village & Post, Karimangalam Taluk, Dharmapuri District to an extent of 5941.87 sq.ft.

For Petitioner : Mr.R.Venkataraman
For Respondents : Mr.G.Velu, AGP

ORDER

Seeking a direction to the second respondent to consider his representation dated 30.1.2023 for subdividing the property in survey



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Nos.456/1C and 456/1D comprised in Vagurappampatti Village & Post, Karimangalam Taluk, Dharmapuri District measuring an extent of 5941.87 sq.ft. and to effect name transfer in the patta, the petitioner is before this Court.

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

3. The petitioner would contend that he acquired the said property by way of a settlement deed dated 17.10.2020 registered as doc.No.1741 of 2020 on the file of the Sub-Registrar, Morappur executed by his own sister - one Ms.N.Sophie. The petitioner is in possession and enjoyment of the said property since then. Pursuant to the proceedings dated 29.9.2021 issued by the second respondent, the name of the petitioner has been included in the joint patta namely joint patta Nos.1532 and 461. Hence, the petitioner made a representation dated 30.1.2023 to the respondents seeking to issue a separate patta in his name. Further, the first respondent, vide proceedings dated 06.2.2023, forwarded the said representation to the second respondent to take further action on the said representation. The petitioner also made an online application to the second respondent on 20.9.2023 seeking subdivision and for patta



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transfer. As it did not evoke any response, the petitioner is before this Court.

4. The fact that the property belongs to the petitioner is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner acquired the said property by way of a registered settlement deed, he requested the second respondent to conduct a survey, subdivide the said property and issue a separate patta in his favour.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to consider the online application of the petitioner dated 20.9.2023, conduct a survey and make subdivision in respect of the said property. The petitioner shall submit all the relevant records to show his title to the said property and the second respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders either surveying and subdividing the said property and issuing a separate patta in his name or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.



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P.T.ASHA,J

RS

To

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