



WEB COPY

W.P. No.35535 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.35535 of 2023

Shanmugasundaram

... Petitioner

Vs.

The Tahsildar

Erode Taluk

Erode District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondent to survey and sub divide 9 1/2 cents out of 0.73.5 Hec. in Survey No.390/7 of Elavamalai Village, Erode Taluk, Erode District by considering the petitioner's application for Sub Division Patta Transfer vide Can No.133101118011709 and application No.2022/0105/10/187044, dated 03.06.2022.

For Petitioner : Mr.Titus Enock

For Respondent : Mr.R.U.Dinesh Rajkumar

Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the respondent to survey and sub divide 9 1/2 cents out of 0.73.5 Hec. in Survey No.390/7 of Elavamalai Village, Erode Taluk, Erode District by considering



the petitioner's application for Sub Division Patta Transfer vide Can No.133101118011709 and application No.2022/0105/10/187044, dated 03.06.2022.

2. Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondent to consider the petitioner's application dated 03.06.2022 within a stipulated time as may be fixed by this Court.

3. Mr.R.U.Dinesh Rajkumar, learned Additional Government Pleader appearing for the respondent submitted that a direction may be issued to the respondent to consider the petitioner's application dated 03.06.2022 within a stipulated time as the case may be.

4. Having regard to the submissions made by the learned counsel on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the respondent to consider the petitioner's application dated 03.06.2022 and conduct enquiry in the manner known to law and after



issuing notice and giving opportunity of hearing to the petitioner, adjacent land owners of the four boundaries of the subject land and interested parties/rival claimants/objectors if any as the case may be, conduct survey and sub divide the land if the petitioner is otherwise eligible and pass orders on merits and in accordance with law. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

02.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To
The Tahsildar
Erode Taluk
Erode District



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P.VELMURUGAN. J.

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