



W.P.(MD) No.20867 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20867 of 2024

B.Jakkaiyan

.. Petitioner

Vs.

1.The Tahsildar,
Aundipatti Taluk,
Theni District.

2.The Head Surveyor,
Taluk Officer, Aundipatti,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to sub-divided and issue separate patta in respect of Survey Nos.1903/3A and 1903/4A situated at Thimmanaickanur Bit-2 Village, Aundipatti Taluk, Theni District based on the petitioner's representation dated 12.06.2024 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.P.Thambidurai
Government Advocate



W.P.(MD) No.20867 of 2024

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ORDER

The petitioner has filed this writ petition for a mandamus, directing the respondents to sub-divided and issue separate patta in respect of Survey Nos.1903/3A and 1903/4A situated at Thimmanaickanur Bit-2 Village, Aundipatti Taluk, Theni District based on the petitioner's representation dated 12.06.2024.

2. The case of the petitioner is that the properties in Survey Nos. 1903/3A and 1903/4A situate at Thimmanaickanur Bit-2 Village, Aundipatti Taluk, Theni District were purchased by him and thereafter, he and his family members are enjoying the same without any disturbance. In the meantime, the adjacent land owners tried to encroach upon his land. Therefore, on 06.03.2024, the petitioner sent a representation to the first respondent seeking subdivision of his land and issue separate patta in his name. The first respondent received the same on 02.05.2024, who in turn issued survey notice to the petitioner and neighbouring land owners stating that survey will be conducted on



W.P.(MD) No.20867 of 2024

24.05.2024. But the first respondent did not take any steps to conduct the survey till date. Therefore, the petitioner once again sent a detailed representation on 12.06.2024 to the first respondent and higher authorities, to which there is no response. Therefore, the present writ petition.

3. Heard the learned counsel on either side.

4. Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as on 06.03.2024, a mandamus is issued to the respondents to conduct survey and subdivision of the petition mentioned property and thereafter, issue patta in the name of the petitioner. The petitioner shall submit all the relevant records to show his title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be



W.P.(MD) No.20867 of 2024

completed within a period of six weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is allowed. No costs.

03.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Tahsildar,
Aundipatti Taluk,
Theni District.

2.The Head Surveyor,
Taluk Officer, Aundipatti,
Theni District.



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W.P.(MD) No.20867 of 2024

P.T.ASHA, J.

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W.P.(MD) No.20867 of 2024

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