



W.P.(MD) No.25991 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25991 of 2024

Govindaraj

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The Thasildar,
Thiruvonam Taluk,
Thanjavur District.

3.The Firka Surveyor,
Ooranipuram Panchayat,
Thiruvonam Taluk,
Thanjavur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to effect survey and sub division for the portion of property under the petitioner's enjoyment in S.F.Nos.69/19A, 69/19B and 69/19C situate at Ooranipuram Village, Orathanadu Taluk, Thanjavur District by considering the petitioner's representation dated 21.10.2024 and challan No.20240916008995 dated 16.09.2024 and Petition No.2024/0123/



W.P.(MD) No.25991 of 2024

21/005051 dated 09.10.2024 within stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for the following relief:

“... to direct the respondents to effect survey and sub division for the portion of property under the petitioner's enjoyment in S.F.Nos.69/19A, 69/19B and 69/19C situate at Ooranipuram Village, Orathanadu Taluk, Thanjavur District by considering the petitioner's representation dated 21.10.2024 and challan No.20240916008995 dated 16.09.2024 and Petition No.2024/0123/ 21/005051 dated 09.10.2024 within stipulated time ...”

2. The case of the petitioner is that the property bearing S.F.Nos. 69/19A (8 ares) and 69/19B (4 ares) was the self acquired property of his father under registered sale deed in Document No.1047 of 1989. The



W.P.(MD) No.25991 of 2024

above property was settled in favour of the petitioner by his father *vide* registered settlement deed dated 20.07.2009. The property bearing S.F.No.69/19C (2180 sq. ft plus 2616 sq. ft.) was purchased by him under two registered sale deeds respectively of the year 2003 and 2008 in and by which, the petitioner has acquired 4796 sq.ft in S.F.No.69/19C. He would submit that a portion in the above properties was sold to his brother namely N.Ayyasamy under registered sale deed dated 29.09.2011. In the above sale deed, only 8 cents each in S.F.Nos.69/19A and 69/19B were sold to his brother. Likewise, only 4360 sq.ft in S.F.No.69/19C was sold to his brother. He would submit that based on the above sale deeds, patta was issued jointly in the name of his brother and the petitioner in Patta No.7029. Since the petitioner wanted to obtain independent sub division number for the property left with him, he made a representation on 21.10.2024 to the first respondent. However, to date, no action has been taken on the same. Hence, the present writ petition.

3. Heard the learned counsel on either side.



W.P.(MD) No.25991 of 2024

WEB COPY

4. Considering the case of the petitioner and also the fact that the petitioner has made his representation on 21.10.2024, a mandamus is issued to the second respondent to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the second respondent 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 completed within a period of five months from the date of receipt of a copy of this order.

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

29.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



W.P.(MD) No.25991 of 2024

WEB COPY

To

- 1.The District Collector,
Thanjavur District.
- 2.The Thasildar,
Thiruvonam Taluk,
Thanjavur District.
- 3.The Firka Surveyor,
Ooranipuram Panchayat,
Thiruvonam Taluk,
Thanjavur District.



WEB COPY



W.P.(MD) No.25991 of 2024

P.T.ASHA, J.

abr

W.P.(MD) No.25991 of 2024

Dated: 29.10.2024