



W.P.(MD) No.10009 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.10009 of 2024

G.Kuttidurai

... Petitioner

VS.

The Tahsildhar,
Taluk Office,
Kadayanallur,
Tenkasi District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to issue a separate patta in name of the petitioner pertaining to property in S.No.515/9 bearing to an extent of about 15 cents situated at Achanputhur Village, Kadayanallur Taluk, Tenkasi District by considering the petitioner's application dated 19.10.2023 within a time frame fixed by this Court.

For Petitioner : Mr.J.Senthilkumaraiah

For Respondent : Mr.B.Saravanan
Additional Government Pleader



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ORDER

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The petitioner seeks the limited relief of issuance of a Writ of Mandamus to direct the respondent to issue separate patta to the petitioner in respect of S.No. 515/9, measuring 15 cents in Achanputhur Village, Kadayanallur Taluk, Tenkasi District. The petitioner has made an application for issuance of the separate patta on 19.10.2023.

2.It is the specific case of the petitioner that the patta was originally held jointly in the name of petitioner's father and the legal heirs of Kailasam Asari. Subsequently, the petitioner has become the absolute owner of the property with the demise of his father, who had also executed a Will bequeathing his interests in favour of the petitioner. The petitioner has already obtained a building plan from the local authority on 26.08.2019 and 09.08.2021 and has also constructed a commercial shopping complex in the ground floor and residential buildings in the first floor in terms of the said building layout approval. The petitioner has also assessed the property tax. It is the case of the petitioner that, though the Tahsildar conducted a survey on 12.10.2023 and also issued a survey report on 17.10.2023, thereafter, the Executive Officer of the Achanputhur Town Panchayat called upon the petitioner by notice dated 21.08.2023 regarding the alleged unauthorized



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construction. The petitioner moved this Court in W.P.(MD)No.26835 of 2023 and the said writ petition was allowed, setting aside the notice dated 21.08.2023 issued by the Executive Officer, Achanputhur Town Panchayat.

3.The grievance of the petitioner is that despite his application for issuance of the separate patta supported by documentary evidence, the respondent has not acted upon the same.

4.Considering the limited scope of the relief sought for, with the consent of parties, the writ petition is taken up for final disposal at the stage of admission itself.

5.The petitioner having made an application for issuance of separate patta and a survey having already been conducted by the Tahsildar and a survey report also being issued, the respondent shall process the petitioner's application and pass final orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition is disposed of. No costs.

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

The Tahsildhar,
Taluk Office,
Kadayanallur,
Tenkasi District.



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P.B.BALAJI, J.

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