

W.P.(MD)No.13539 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.13539 of 2024

and

W.M.P.(MD)Nos.11937 & 11938 of 2024

1.Venkatesh

2.Vellapandi

3.Kasiranjan,

4.Shanmugakani

: Petitioners

Vs.

1.The District Collector,

Tirunelveli District,

Tirunelveli

2.The District Revenue Officer,

Tirunelveli District

3.The Thasildar,

O/o. the Thasildar,

Tirunelveli District.

4.Krishnaveni

5.S.P.Veera Saravanan

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue, Writ of Certiorarified Mandamus, to call for the impugned order passed by the 2nd respondent under P.D.R.No. R6828/13/91/1423/20-20 dated 09.12.2013 and to quash the same as illegal and further direct the respondent to resurvey the entire extent of 50 acres under S.No. Survey No.409A/1241/A and S.No. 409A/68 by giving opportunity to the four petitioners and the 4th and 5th respondents and to subdivide the said property under Survey No.409 A/12A1/A and S.No.409A/68 with meets and bounds, by ensuring pathway to all the four petitioners and the 5th respondent property owners for their respective property.

For Petitioner : Mr. K.R.Laxman

For Respondents 1 to 3 : Mr.M.Lingadurai

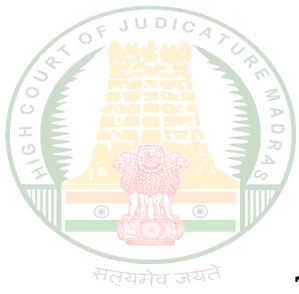
Special Government Pleader

For Respondent 4 & 5 : Unserved

ORDER

The petitioners challenge the order of sub-division effected at the instance of the fifth respondent.

2.Heard the learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3.



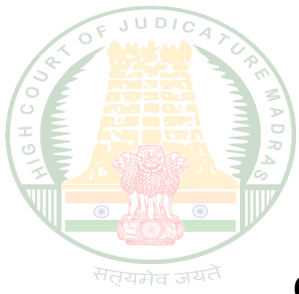
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3. Learned Counsel for the petitioner would submit that admittedly an extent of 40 acres was purchased out of larger extent of 50 acres and one Krishnaveni, retained the balance 10 acres. It is the specific case of the petitioner that entire 10 acres remain unregistered as on date. However, without getting no objection from the petitioners, or without notice to the petitioners, the sub-division has been carried out and effected. The said order of sub-division is under challenge in the present Writ Petition.

4. Learned Special Government Pleader would submit that the sub-division was effected way back in the year 2013 and the writ petitioners have not approached this Court within reasonable time and hence, on the ground of delay and laches, he seeks the Writ Petition to be dismissed.

5. I have carefully considered the submissions of the learned Counsel on either side. Admittedly, the order of sub-division at the instance of the sixth respondent has been effected without any notice to the petitioners who are owning the remaining 40 acres out of the total extent of 50 acres. Therefore, there is a clear violation of principles of natural justice.



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6.Insofar as delay, the petitioners have taken a specific ground in the affidavit in support of the Writ Petition that the petitioners were not aware of the order dated 09.12.2013 and were kept in dark. Therefore, I am not inclined to accept the contention of the learned Special Government Pleader that the Writ Petition has to be dismissed on the ground of delay and laches.

7.Further, this Court, finding merit in the contention of the petitioners has also admitted the Writ Petition in the year 2024. In view of the above, the impugned order is liable to be set aside and the matter is remitted to the third respondent Tahsildar, to conduct an enquiry after hearing the fourth and fifth respondents, whose names are also admittedly found in the joint patta and subject to the findings in the enquiry, the third respondent shall pass orders on merits and in accordance with law.

8.Learned Special Government Pleader would submit that relating to the year 2013, the records may not be available in the office of the third respondent and hence, he requests for a direction to the petitioners to make a detailed representation, based on which, fresh enquiry would be launched. Accordingly, the petitioners are directed to make to make fresh representation within a period of two [2] weeks from the date of receipt of a copy of this order. The third



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respondent shall pass final orders within a period of eight [8] weeks thereafter.

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9.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

20.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

1.The District Collector,
Tirunelveli District,
Tirunelveli

2.The District Revenue Officer,
Tirunelveli District

3.The Thasildar,
O/o. the Thasildar,
Tirunelveli District.



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P.B.BALAJI., J.

MR

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