



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.7845 of 2023
and
W.M.P.(MD)No.7261 of 2023

R.Gnanapriya

... Petitioner

vs.

1.The Tahsildar,
Thoothukudi Taluk, Thoothukudi.

2.The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings in File No.2023/0103/28/386940, dated 24.03.2023 on the file of the first respondent and to quash the same and further to direct the first respondent to transfer the patta in the name of the petitioner on the basis of sale deed, dated 29.08.2020 and registered as Doc.No.2774/2020.

For Petitioner :Mr.G.Prabhu Rajadurai
For Respondents :Mr.N.Muthu Vijayan
Special Government Pleader



WEB COPY

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with an order of the first respondent/Tahsildar, Tuticorin Taluk and District, dated 24.03.2023 in File No.2023/0103/28/386940, whereby, the first respondent had refused to transfer the patta in the name of the petitioner herein with respect to the land measuring 0.20.25 hectares (50 cents) on the south-eastern side of the property bearing S.No.343/2A totally measuring 0.80.0 hectares (1 acre). The entire property is part of a larger extent of property bearing S.No.342/2 measuring 5.98 acres in Melavittan Village, Tuticorin Taluk and District.

2.Heard Mr.G.Prabhu Rajadurai, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for the respondents.

3.It is claimed by the petitioner that the large extent of the property belongs to his father-in-law. Thereafter, 50 cents had been conveyed by



his father-in-law, Ramasamy Chettiar by a sale deed, dated 26.07.2006 to one R.Srinivasan. It had been stated that the portion was not however sub divided. Thereafter, by a sale deed, dated 29.08.2020, the petitioner had purchased the said property from the said R.Srinivasan by a registered Doc.No.2774/2020 registered in the office of Sub Registrar, Melavittan.

4.The petitioner claims that sub division of the property is required and patta has to be granted. However, this has been rejected by the first respondent in the impugned order, dated 24.03.2023. It had been stated that with respect to the land in S.No.342/2A, consequent to the report of Village Administrative Officer, the request of the petitioner is rejected.

5.The learned Counsel for the petitioner placed reliance on an order of a learned Single Judge of this Court in ***W.P.(MD)No.18370 of 2020 [Shanmugakani (died) and another vs Tahsildar, Tuticorin Taluk]***. By an order, dated 20.01.2023, with respect to the same classification of land, namely, Kattukuthagai Kulam, the learned Single Judge had finally directed the petitioner therein to approach the District



Revenue Officer for necessary relief.

WEB COPY

6.A direction is issued to the petitioner to apply afresh before the District Revenue Officer at Tuticorin for transfer of patta. If the application is filed enclosing all documents, a direction is given to the said official to examine those documents, issue notice to the petitioner and issue notice to the other owners of the larger extent and thereafter, take a considered decision. The entire exercise may be completed within a period of twelve weeks from the date on which the petitioner files an application before the District Revenue Officer.

7.The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

13.06.2023

cmr



WEB COPY

To

1.The Tahsildar,
Thoothukudi Taluk, Thoothukudi.

2.The Commissioner of Land Administration,
Chepauk, Chennai – 600 005.



WEB COPY



C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.7845 of 2023

13.06.2023