



W.P(MD)No.30867 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30867 of 2023

Devika

... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul District.

2.The Revenue Divisional Officer,
Dindigul Division,
Dindigul District.

3.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to issue the petitioner a separate patta for her property, a house plot No.86 measuring 1500 sq. ft (3.44 cents) comprised in present Survey No. 289/3A1A corresponding to old Survey No. 289/3 situated at Adiyanoothu village, Dindugul East taluk and Dindigul district on par with her co-purchasers in the light of her petition dated 11.01.2022 pending on the file of the 2nd respondent.

For Petitioner : Mr.T.Athiveerapandiyan

For Respondents : Mr.M.Siddharathan
Additional Government Pleader



W.P(MD)No.30867 of 2023

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ORDER

Heard both sides.

2. My attention is drawn to the order dated 30.11.2023 made in W.P. (MD)No.28216 of 2023. The said writ petition is said to have been filed by another plot owner for the very same layout. The said order reads as follows:-

“ Heard both sides.

2.The petitioner seeks patta for the petition mentioned housing plot. What comes in the way is the entry in the land register that it is a panjami land. Copy of the patta standing in the name of the petitioner's vendor / Jayaraman is enclosed at Page No.38 of the typed set of papers. Jayaraman was issued with patta for S.No.289/3, Adiyanoothu Village for an extent 1-81.00 hac. When he encountered difficulties in selling the property, he filed W.P.(MD)No.24611 of 2018. The writ petition was allowed on 14.07.2021 by permitting him to effect alienations. The registering authority was also directed to register the documents presented for registration. Pursuant to the said direction, the said Jayaraman parceled his land. The petitioner had purchased the petition mentioned plot from the said Jayaraman in the year 2012 itself.

3.It is well settled that when a person purchases a piece of land from a vendor, he or she is entitled to step into the shoes of the vendor. Patta stood in the name of Jayaraman. Therefore, the petitioner is very much entitled to seek sub-division and obtain separate patta. It is stated that the other alienees from the said Jeyaraman had already obtained separate patta. Therefore, it is not fair on the part of the respondents to deny relief to the petitioner alone.

4. In this view of the matter, the third respondent is directed to sub-divide the petition mentioned survey number and issue separate patta for the petitioner. This shall be done as expeditiously as possible. I however make it clear that if according to the respondents, the lands in question are panjami lands, it is for them to take appropriate action in accordance with law. Grant of relief in this writ petition will not tie the hands of the respondents.”



W.P(MD)No.30867 of 2023

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3. In this view of the matter, the third respondent is directed to sub-divide the petition mentioned survey number and issue separate patta for the petitioner. This shall be done as expeditiously as possible. I however make it clear that if according to the respondents, the lands in question are panjami lands, it is for them to take appropriate action in accordance with law. Grant of relief in this writ petition will not tie the hands of the respondents. The Writ Petition is allowed accordingly. No costs.

22.12.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

- 1.The District Revenue Officer,
Dindigul District.
- 2.The Revenue Divisional Officer,
Dindigul Division,
Dindigul District.
- 3.The Tahsildar,
Dindigul East Taluk,
Dindigul District.



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W.P(MD)No.30867 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.30867 of 2023

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