



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P (MD) No.12034 of 2019

and

W.M.P. (MD) .No.9064 of 2019

Baby

.. Petitioner

Vs.

1.The Sub Collector,
Sub Collector's Office,
Pazhani, Dindigul District.

2.The Deputy Director,
Town and Country Planning,
Madurai Region, Madurai.

3.Santhu Mohamed

4.Usain Mohamed

5.Muruganantham

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose of the appeal dated 16.04.2019 filed by the petitioner challenging improper subdivisions made by the Tahsildhar, Pazhani Taluk, in favour of the third to fifth respondents within a time frame that may be stipulated by this Honourable Court.

For Petitioner : Mr.S.C.Herold Singh

For R-1 & R-2 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

This writ petition is filed seeking a Writ of Mandamus to direct the respondents to dispose of the appeal filed by the petitioner dated 16.04.2019, challenging the improper subdivisions made by the Tahsildhar, Pazhani Taluk, in favour of the respondents 3 to 5.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader takes notice for the respondents 1 and 2. In view of the nature of the relief sought for by the petitioner, notice to the respondents 3 to 5 is dispensed with.



3. By consent of both the parties, this writ petition is taken up for final hearing at the stage of admission itself.

4. Heard both sides.

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5. The case of the petitioner is that the property to an extent of 1 acre 60 cents belongs to her husband. After her husband's demise, the petitioner's daughters executed a general power of attorney in favour of the petitioner and she administered the said property. The petitioner sold only 1 acre 45 cents to the third respondent through a registered sale deed dated 14.06.2000. The remaining 15 cents lies in the north-west corner of the whole property, belongs to her. The respondents 3 to 5 approached the revenue authorities seeking to sub-divide the property. But, the revenue authorities sub-divided the property including the property belongs to the petitioner and modified the same as a narrow pathway. The sub division was registered by the Registrar and a layout approval was granted to the respondents 3 to 5 on 05.09.2019. Aggrieved over the same, the petitioner has given an application to the respondents 1 and 2 seeking to correct the subdivisions in respect of the property belongs to her. However, the same has not been considered so far. Hence, the petitioner is before this Court.

6. The learned counsel appearing for the petitioner would submit that it would suffice, if the application filed by the petitioner dated 16.04.2019 is directed to be disposed of by the first respondent as per law.

7. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the first respondent to dispose of the application filed by the petitioner dated 16.04.2019 on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as other interested parties including the respondents 3 to 5, as expeditiously as possible.

8. The writ petition is disposed of as above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Sub Collector,
Sub Collector's Office,
Pazhani, Dindigul District.

2.The Deputy Director,
Town and Country Planning,
Madurai Region, Madurai.

+1CC TO MR.S.C.HEROLD SINGH, Advocate Sr. No.65917
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.66016

**ORDER MADE IN
W.P (MD) No.12034 of 2019**

KMV (CO)
TR (21.05.2019) 3P 5C