



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.15051 of 2021

Rengeswari

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Dindigul District.

2. The Tahsildar,
Dindigul East Taluk,
SIDCO Industrial Estate,
Natham Road, Dindigul,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to effect subdivision in the petitioner's property comprising in joint patta No.391 in Survey No.225/2D and 225/2H situated at Rajakkapatti Village, Dindigul East Taluk, Dindigul District and issue separate patta to the petitioner's above said properties based on her application in "can No.0331311143701 and application No.2020/0105/13/169549" dated 22.09.2020.

For Petitioner	: Mr.M.Seenisulthan
For Respondents	: Mr.R.Baskaran, Counsel for the State

O R D E R

The petitioner seeks a direction to the second respondent to subdivide the property bearing Survey Nos.225/2D and 225/2H in Rajakkapatti Village, Dindigul East Taluk, Dindigul District.

2. The petitioner claims title to the aforesaid property under a sale deed dated 27.07.1981 bearing Document No.879 of 1981. It is stated that a joint patta bearing Patta No.391 was issued to the petitioner and one Durairaj.

3. The petitioner alleges that the said Durairaj has disturbed her possession of the property on an ongoing basis. Therefore, the petitioner was constrained to file O.S.No.1572 of 1981 before the Principal District Munsif Court, Dindigul. It is stated that the said suit was decreed in favour of the petitioner on 04.12.2018. The



petitioner further states that the said Durairaj filed a suit in O.S.No.713 of 2013 against the petitioner seeking a declaration and a consequential permanent injunction. The said suit is said to have been dismissed.

4. In these circumstances, the petitioner filed an application before the second respondent for subdivision and patta transfer and also paid the necessary charges. The present writ petition is filed on account of the failure of the respondent to act on the petitioner's representation.

5. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's representation may be directed to be considered and disposed of on merits.

6. The facts on record disclose that there is a dispute between the petitioner and the joint pattadar. Therefore, the said joint pattadar would have to be heard before the petitioner's application for subdivision and separate patta is decided. It is not necessary to enter into the merits for the purposes of this proceeding.

7. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's application for subdivision and issuance of a separate patta and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner and the joint pattadar-Durairaj. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

8. W.P(MD).No.15051 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. The District Collector,
Office of the District Collector,
Dindigul District.

2. The Tahsildar,
Dindigul East Taluk,
SIDCO Industrial Estate,
Natham Road, Dindigul,
Dindigul District.

+1 CC to M/s.GP (SR-27373[F] dated 26/08/2021)

W.P. (MD) No.15051 of 2021
25.08.2021

dj (CO)

TR(02.09.2021) 3P 4C