



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16792 of 2021

R.Yogi

... Petitioner

Vs.

1.The District Collector,
Trichy District.

2.The Thasildar,
Manachanallur Taluk,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to make subdivision of the petitioner's land being patta No.744 in S.No.5/7B at Rasampalayam Village, Manachanallur Taluk, Trichy District and give separate patta to the petitioner based on his application, dated 23.11.2020 within stipulated time fixed by this Court.

For Petitioner	: Mr.S.M.Mohan Gandhi
For Respondents	: Mr.P.Subbaraj
	Counsel for State

ORDER

The petitioner seeks subdivision of the land bearing S.No.5/7B at Rasampalayam Village, Manachanallur Taluk, Trichy District, and for the issuance of a separate patta to the petitioner.

2.The petitioner states that his father, namely, Rajendran, owned property of an extent of 21 cents in the above mentioned survey number. On 24.11.2009, the petitioner's father expired leaving behind his mother, namely, Amirtham, his wife, namely, Shanthi, and the petitioner and his siblings as the class I legal heirs. Pursuant thereto, it is stated that patta No.744 was issued in the names of all the above mentioned legal heirs. Subsequently, a release deed was executed on 23.09.2020 by the petitioner's grandmother and mother releasing their respective shares in the relevant property in favour of the petitioner. On such basis, the petitioner claims that he is entitled to three shares in the property bearing S.No.5/7B admeasuring 0.8.50 ares. Therefore, the petitioner submitted an application dated 23.11.2020 seeking



subdivision of the property and issuance of separate patta to him. The present writ petition is filed on the basis that such application was not acted upon.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's application may be directed to be considered and disposed of on merits and in accordance with law.

4.The petitioner has filed a copy of patta No.744. Such patta pertains to S.No.5/7B of an extent of 0.8.50 ares. The patta was issued in the names of Shanthi, Yogi, Thaanu, Kavitha, Amirtha and Amirtham. The release deed bearing document No.3924/2020 dated 23.09.2020 is enclosed. On perusal, it is evident that such release deed has been executed by Tmt.Amirtham and Tmt.R.Shanthi in favour of the petitioner, R.Yogi. By such release deed, the said individuals have released their shares in the relevant property in favour of the petitioner. On the basis of these documents, the petitioner has made out a case for the consideration or his application for subdivision and issuance of separate patta. However, in view of the fact that there are three other persons who are joint owners of the property bearing S.No.5/7B, it is just and necessary that such persons be heard in relation to the subdivision of the relevant property as requested for by the petitioner. It may also be necessary for such purpose to conduct a survey of the relevant property.

5.Accordingly, the second respondent herein is directed to consider the petitioner's application dated 23.11.2020 for subdivision of the property bearing S.No.5/7B. Such application shall be considered after providing a reasonable opportunity to the petitioner and the joint pattathars under patta No.744. During such process, the second respondent is directed to take into account the registered release deed dated 23.09.2020. Upon consideration, the second respondent is directed to take necessary action on the petitioner's application and conclude the entire exercise within a period of three (3) months from the date of receipt of a copy of this order.

6.W.P.(MD)No.16792 of 2021 is disposed of on these terms without any order as to costs.

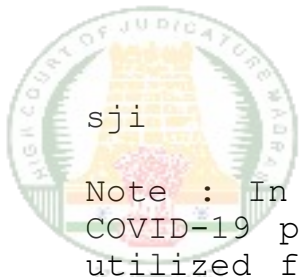
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Trichy District.

2.The Thasildar,
Manachanallur Taluk,
Trichy District.

+1 CC to M/s.SPL. GP (SR-29755[F] dated 21/09/2021)

W.P (MD) No.16792 of 2021
20.09.2021

NSN (CO)
KB (27.09.2021) 3P 4C