



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.17241 of 2021

M.Eswari

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Tahsildhar,
Madurai East Taluk,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to survey the land and issue separate patta after sub-division in respect of land admeasuring an extent of 10 cents out of 6 acres 72 cents comprising sub-division survey No.15/1A, Kondapethan Village, Madurai North, at present East Taluk, Madurai based on the online application dated 25.08.2021 submitted by the petitioner within the time frame that may stipulated by this Court.

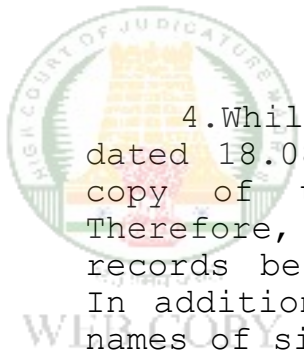
For Petitioner	:	Mr.V.P.Rajan
For Respondents	:	Mr.P.Subbaraj
		Counsel for State

ORDER

The petitioner seeks the survey of the land admeasuring 10 cents out of 6 acres 72 cents in S.No.15/1A at Kondapethan Village, Madurai North at present East Taluk, Madurai.

2.The petitioner claims title to the above mentioned property by a registered sale deed dated 18.08.2008, bearing Document No.3514 of 2008 on the file of the Sub Registrar Office, Theppakulam. The petitioner refers to a joint patta issued in the name of about six persons under Patta No.8 in respect of S.No.15/1A1A1. It is stated that the petitioner submitted an online application on 25.08.2021 requesting for subdivision and issuance of patta to the petitioner. The present writ petition is filed on account of the alleged failure of the respondents to act thereon.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the second respondent may be directed to consider the petitioner's representation after putting all the joint pattathars on notice.



4.While the petitioner has submitted a copy of the sale deed dated 18.08.2008 in her favour, the petitioner has not produced a copy of the patta in favour of her predecessors in title. Therefore, the second respondent should examine the relevant revenue records before taking a decision on the petitioner's application. In addition, the joint patta bearing Patta No.8 was issued in the names of six persons. All these persons should be put on notice.

5.Accordingly, without entering any findings on the merits of the matter, the second respondent is directed to consider the petitioner's application for subdivision and transfer of patta after putting the above mentioned joint pattathars on notice. In addition, the second respondent shall also put the adjoining land owners, whose boundaries may be impacted by the conduct of a survey, on notice. The petitioner's application shall be disposed of by a reasoned order within a period of three months from the date of receipt of a copy of this order.

6.W.P.(MD)No.17241 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Madurai.

2.The Tahsildhar,
Madurai East Taluk,
Madurai.

+1 CC to M/s.SPL.GP (SR-30319[F] dated 27/09/2021)

W.P (MD)No.17241 of 2021
24.09.2021

RS (01.10.2021) 2P 4C

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