



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.17497 of 2021

K.Bhavani

... Petitioner

Vs.

The Tahsildar,
Aathur Taluk,
Aathur,
Dindigul District.

... Respondent

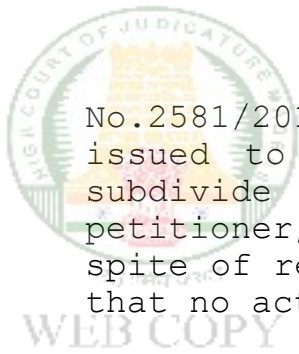
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent to sub-divide and issue patta in favour of the petitioner for the housing plot bearing No.5 in an extent of 990 square feet comprised in Survey No.7/3A in Rajiv Gandhi Nagar situated at Ambathurai Village, Aathur Taluk, Dindigul District, vide sale deed bearing Document No.2581/2011 dated 12.09.2011 on the basis of the Patta Transfer Application submitted by the petitioner on 31.08.2021 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.R.Kannan
For Respondent : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks a direction for the subdivision and issuance of patta to her in respect of housing Plot No.5 of an extent of 990 Square feet in Survey No.7/3A, Rajiv Gandhi Nagar, Ambathurai Village, Aathur Taluk, Dindigul District.

2. The petitioner traces title to the above mentioned property to the original owner, namely, Parvatham Chettiar. It is stated that the children of the said Parvatham Chettiar executed a registered Power of Attorney in favour of one A.P.Sugumar, who is also one of the sons of the said Parvatham Chettiar. Pursuant thereto, the property was developed as a plotted lay out and named as 'Rajiv Gandhi Nagar'. Such plots were sold and the petitioner purchased Plot No.5 under a registered sale deed bearing Document



No.2581/2011 dated 12.09.2011. The petitioner cites the joint patta issued to the legal heirs of Parvatham Chettiar. In order to subdivide the relevant property and issue separate patta to the petitioner, the petitioner filed an application on 29.09.2020. In spite of remitting the requisite fees for such purpose, it is stated that no action was taken.

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

4. The petitioner has enclosed copies of several sale deeds including the sale deed under which the petitioner purchased the property on 12.09.2011. A copy of the joint patta bearing Patta No.2182 and the separate Patta bearing Patta No.1607 are on record. Patta No.2182 is in respect of two survey numbers including Survey No.7/3A which is the relevant survey number for purposes of this case. The said joint patta is in the names of six (6) persons, who are said to be legal heirs of Parvatham Chettiar. Therefore, before a decision is taken on the petitioner's application for subdivision, the joint pattadhars under Patta No.2182 should be put on notice.

5. Subject to the above observations but without entering any findings on the merits of the matter, the respondent herein is directed to consider the petitioner's application dated 31.08.2021 and initiate action on such basis after putting the joint pattadhars under Patta No.2182 on notice. The entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.17497 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

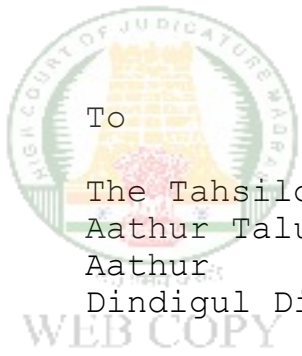
// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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

The Tahsildar,
Aathur Taluk,
Aathur
Dindigul District.

+1 CC to M/s.R.R.KANNAN, Advocate (SR-30644[F] dated 29/09/2021)

+1 CC to M/s.SPL.GP (SR-30713[F] dated 30/09/2021)

W.P(MD)No.17497 of 2021
29.09.2021

RD(12.10.2021) 3P 4C