



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18056 of 2021

WEB COPY
Narayanan

... Petitioner

Vs.

The Tahsildar,
Office at Madurai East Taluk,
Madurai District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant separate patta in favour of the petitioner's name in respect of the lands to an extent of 2538 sq.ft. in Plot No.16, situating in re-survey no.99/2D and 99/2E, Sakkimangalam Village, Bit No.2, Madurai East Taluk, Madurai District by considering the petitioner's application dated 05.09.2020 and 06.02.2021 within the time limit that may be stipulated by this Court.

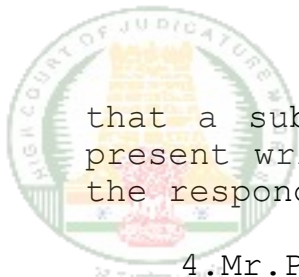
For Petitioner	: Mr.M.S.Jeyakarthish
For Respondent	: Mr.P.Subbaraj
	Counsel for the State

O R D E R

The petitioner seeks a direction for the issuance of a separate patta in respect of the land admeasuring 2538 square feet in Plot No.16, situated in resurvey Nos.99/2D and 99/2E corresponding to UDR Survey Nos.130/2D1 and 130/2E1, respectively, at Sakkimangalam Village, Bit No.2, Madurai East Taluk, Madurai District.

2.The petitioner claims title to the above mentioned property under a registered sale deed dated 08.04.2019 executed in his favour by one Manjula. The petitioner states that the original owner of the property was one Agathan whose son Alagar executed a power of attorney in favour of one Palaniandi. Pursuant thereto, the said Palaniandi developed a plotted layout and, eventually, the petitioner purchased Plot No.16 in such layout. The petitioner relies upon Patta No.3 which was issued in the name of Agathan in respect of UDR Survey No.130/2D1, and Patta No.972 which was issued to six persons in respect of UDR Survey No.130/2E1.

3.In order to obtain a separate patta in respect of the property owned by him, the petitioner states that he submitted an application to the jurisdictional Tahsildar on 05.09.2020. On account of the fact that no action was taken thereon, it is stated



that a subsequent representation was submitted on 26.02.2021. The present writ petition is filed on account of the alleged failure of the respondent to take action in response to such representation.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the respondent may be directed to consider and dispose of the petitioner's representation on merits and in accordance with law.

5.The petitioner has enclosed a copy of the registered sale deed dated 08.04.2019 in his favour. The sale deed under which his vendor purchased the property is also on record. The petitioner has also enclosed copies of Patta No.3 and Patta No.972. Patta No.3 pertains to the property bearing UDR Survey No.130/2D1. The said patta has been issued to one Agathan. The total extent of Survey No.130/2D1 is 40 Ares. Patta No.972 pertains to the property bearing Survey No.130/2E1. The said patta has been issued in the names of six persons and the total extent is 39.50 Ares.

6.From the above documents, it is evident that the petitioner seeks a separate patta in respect of a property, which is situated in two survey numbers of a much larger extent. Therefore, it would be necessary to put the pattadars under Patta Nos.3 and 972 or their legal heirs or successors-in-title on notice before a decision is taken on the petitioner's application for a separate patta. Indeed, it would entail a sub-division of the property.

7.Subject to the above observations, the respondent is directed to consider the petitioner's representation dated 26.02.2021 and initiate action on such application after providing a reasonable opportunity to the petitioner and the pattadars under Patta Nos.3 and 972 or their legal heirs or successors-in-interest, as the case may be. The entire process shall be concluded within a period of three months from the date of receipt of a copy of this order by either issuing a separate patta or by issuing a reasoned communication indicating reasons for refusal to do so.

8.W.P(MD).No.18056 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

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To

The Tahsildar,
Office at Madurai East Taluk,
Madurai District.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-31488[F] dated
07/10/2021)

+1 CC to M/s.SPL.GP (SR-31491[F] dated 07/10/2021)

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DJ(CO)/RS (21.10.2021) 3P 4C