



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.18107 of 2021

B.Rajendran

... Petitioner

Vs.

1.The District Collector,
Collector's Office,
Madurai District,
Madurai - 20.

2.The Revenue Divisional Officer,
Melur Division,
Camp at Narsingam,
Madurai District.

3.The Tahsildar,
Madurai East,
Narasingam (Near Othakkadai),
Madurai 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 1 to 3 to issue a separate patta for the petitioner's remaining land of 1 acre and 15 cents out of 2 acre and 65 cents, comprised in R.S.No.6/2A of Narasingam 1st Bit of Madurai East Taluk Madurai District, considering the petitioner's representation dated 11.01.2021.

For Petitioner : Mr.D.Rathinavel Pandian
For R-1 to R-4 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction to the respondents to issue a separate patta for the remaining extent of 1 Acre and 15 Cents in R.S.No.6/2A at Narasingam 1st Bit of Madurai East Taluk, Madurai District.

2. The petitioner states that he owned land admeasuring 2 Acres and 65 Cents in Survey No.6/2 at the location indicated above. Initially, he sold an extent of 50 Cents on 07.10.1999. Subsequently, he sold an extent of 1 Acre under a registered sale deed dated 14.08.2006. The petitioner cites the joint patta issued to him and Prabhakaran, his purchaser, in respect of the 87 Ares of land in subdivided Survey No.6/2A. He also cites the separate patta issued to the purchasers Govinthan and Vasanthi in respect of the subdivided Survey No.6/2B of an extent of 20 Ares or 50 Cents. Therefore, he submits that he continues to own an extent of 1.15



Acres after setting off the 50 Cents and 1 Acre which were transferred by him to the purchasers. The present Writ Petition was filed for such purpose.

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

4. The petitioner has enclosed copies of the sale deeds under which he conveyed 50 Cents and 1 Acre, respectively. The pattas issued in respect of subdivided Survey Nos.6/2A and 6/2B have been filed. Patta No.136 in respect of the property bearing Survey No.6/2A indicates that the total extent of land is 87 Ares, which roughly corresponds to 2.15 Acres. Therefore, the petitioner has made out a case for the consideration of his representation. Since there is a joint pattadhar, such joint pattadhar, namely, Prabhakaran, should be put on notice before a decision is taken on the petitioner's application since it would entail a further subdivision.

5. Subject to the above observations but without entering any findings on the merits of the matter, the third respondent is directed to consider the petitioner's representation dated 11.01.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the above mentioned Prabhakaran or his legal heirs, if appropriate. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.18107 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

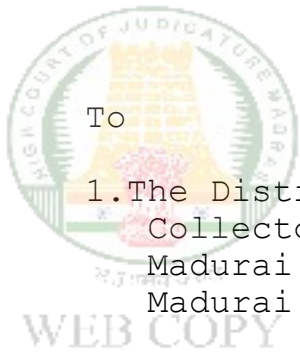
// True Copy //

/ /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

1.The District Collector,
Collector's Office,
Madurai District,
Madurai - 20.

2.The Revenue Divisional Officer,
Melur Division,
Camp at Narsingam,
Madurai District.

3.The Tahsildar,
Madurai East,
Narasingam (Near Othakkadai),
Madurai District.

+1 CC to M/s.SPL.GP (SR-31763[F] dated 08/10/2021)

W.P (MD) No.18107 of 2021
07.10.2021

NSN (CO)
KB (25.10.2021) 3P 5C