



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) .No.18213 of 2021

A.Alagu

... Petitioner

Vs .

1.The Revenue Divisional Officer,
Madurai - 625 020.

2.The Tahsildar,
Madurai West Taluk Office,
23,Theni Road,
Viratripattu,
Madurai District.

3.A.Arumugam
...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 make subdivision and issue joint patta in the name of A.Muthu and the petitioner's name to the property, ion punjai, to the extent of 20 cents situated at South portion at the larger extent of 1 acre and 40 cents at Survey No.176/8B, Melamathur Village, Madurai West Taluk, Madurai District, on the petitioner's Patta Transfer Application, dated 10.10.2020, through Tamil Nadu Public E-Seva Centre, and in the light of the memorandum, vide O.Mu.No. 1046/2021/P, dated 23.04.2021, passed by the first respondent to the second respondent, within a stipulated period of time.

For Petitioner : Mr.D.Gnanasekaran

For R1 & R2 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks subdivision and joint patta in the names of A.Muthu and himself with regard to 20 cents situated in S.No.176/8 at Melamathur Village, Madurai West Taluk, Madurai



2.The petitioner states that one Poochiammal owned punjai land of an extent of 1 acre and 60 cents in S.No.176/8 at the above mentioned location. On 21.09.1972, the petitioner's father, M.Alagumalai, purchased 20 cents from and out of the extent of 1 acre and 60 cents under Document No.3891 of 1972. Subsequently, on 14.09.1981, the third respondent, A.Arumugam, purchased 1 acre and 20 cents in S.No.176/8 from the above mentioned Poochiammal. Thereafter, on 19.06.2012, the petitioner's father settled the 20 cents, which he had purchased in 1972, in favour of the petitioner and his brother, A.Muthu. Pursuant thereto, the petitioner submitted the patta transfer application dated 10.10.2020.

3.According to the petitioner, the third respondent purchased 1 acre and 20 cents, whereas the total extent of S.No.176/8B is 1 acre and 40 cents. Therefore, the petitioner contends that the 20 cents settled by his father in the name of A.Muthu and himself is located in S.No.176/8B. The present writ petition is filed seeking subdivision and issuance of a joint patta in respect of the said 20 cents, which is said to be in S.No.176/8B.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 and 2. He submits that the petitioner's application may be considered and disposed of on merits after providing a reasonable opportunity to the petitioner and his brothers, A.Muthu and A.Arumugam.

5.The petitioner has enclosed copies of the sale deed dated 21.12.1972 under which his father purchased an extent of 20 cents in S.No.176/8, the sale deed dated 14.09.1981 by which his brother, A.Arumugam, purchased 1 acre and 20 cents in S.No.176/8. The settlement deed executed by the petitioner's father on 19.06.2012 in favour of the petitioner and his brother, A.Muthu is also enclosed. However, it needs to be examined as to whether the 20 cents which was settled in favour of the petitioner and his brother, A.Muthu is from and out of the land bearing subdivided S.No.176/8B or whether it is a part of the subdivided S.No.176/8A. For such purpose, it would be necessary to issue notice to the third respondent as well as Poochiammal, who is said to have retained 20 cents of land.

6.Subject to the above observations but without entering findings on the merits of the matter, the second respondent is directed to consider the petitioner's application dated 10.10.2020 and issue a reasoned order thereon after providing a reasonable opportunity to the petitioner, third respondent, A.Muthu and Poochiammal or her legal heirs. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.



7.W.P.(MD).No.18213 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sn/sji

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 Revenue Divisional Officer,
Madurai - 625 020.

2.The Tahsildar,
Madurai West Taluk Office,
23,Theni Road,
Viratripattu,
Madurai District.

+1 CC to M/s.D.GNANSEKARAN, Advocate (SR-32029[F] dated
20/10/2021)

+1 CC to M/s.SPL.GP (SR-31975[F] dated 11/10/2021)

W.P (MD) .No.18213 of 2021
08.10.2021

RD (21/10/2021) 3P 5C