



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17966 of 2021

Meenatchi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Narasingampatti,
Madurai District.

2.The Thasildar,
Madurai South Taluk,
Collectorate Campus,
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 to subdivide Iyan Punjai Re-Survey No.343, Patta No.257, situated at Nallur Village, Madurai South Taluk, Madurai District on the basis of the petitioner registered gift deed and issued separate patta to the petitioner.

For Petitioner : Mr.R.Murugappan
For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks the subdivision of Iyan Punjai re-Survey No.343, Nallur Village, Madurai South Taluk, Madurai District and the issuance of a separate patta.

2.The petitioner claims title to the above mentioned property under a registered gift deed dated 29.08.2017. The petitioner states that her father, R.Ramar, was the original owner of the property bearing S.No.343 admeasuring 2.46.50 hectares. From and out of the said larger extent, it is stated that an extent of 3 acres and 9 cents was settled in favour of the petitioner. In order to subdivide the relevant property and obtain a separate patta in respect of the petitioner's portion thereof, an application was submitted on 22.09.2021. The petitioner seeks a direction in such regard.



3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for both the respondents. He submits that the second 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 a copy of Patta No.257. Such patta was issued to R.Ramar. It pertains to S.No.343 of an extent of 2.46.50 hectares. The gift settlement deed enclosed by the petitioner indicates that an extent of 3 acres and 9 cents from and out of the larger extent of 2.46.50 hectares was settled in favour of the petitioner. On the basis of these documents, the petitioner is entitled to the consideration of her representation. However, the petitioner's father, R.Ramar, should be put on notice and provided a reasonable opportunity before a decision is taken.

5.Accordingly, without entering any findings on the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 22.09.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner and her father, R.Ramar. The entire exercise shall be concluded within a period of three (3) months from the date of receipt of a copy of this order either by undertaking a sub division and issuing a separate patta or by issuing a reasoned order indicating the reasons for refusal to do so.

6.W.P(MD).No.17966 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// 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,
Narasingampatti,
Madurai District.



2.The Thasildar,
Madurai South Taluk,
Collectorate Campus,
Madurai District.

+1 CC to M/s.SPL.GP (SR-31537[F] dated 07/10/2021)

W.P (MD) .No.17966 of 2021
05.10.2021

RD(20.10.2021) 3P 4C