



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18359 of 2021

P.Pethi Thirumalai Raja

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Madurai North Taluk (ii),
Madurai District.

2.The Firka Surveyor,
Koolapandi Firka,
Madurai North Taluk,
Madurai District.

3.The Village Administrative Officer,
Maranivariyendal Group,
Madurai North Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records connected to the orders of the first respondent in file No.2021/0105/24/291896 dated 14.09.2021 and quash the same, consequently, directing the first respondent to issue patta in the petitioner's name for the land in S.No.27/15B, situating at Maranivariyenthall Village, Madurai North Taluk, Madurai District within the time stipulated by this Court.

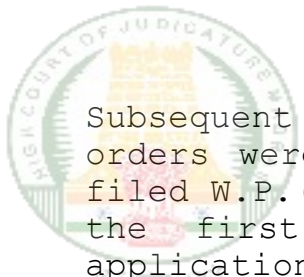
For Petitioner : Mr.S.Malaikani

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner assails an order dated 14.09.2021 of the Tahsildar by which his request for patta was rejected.

2.The petitioner claims title to the property bearing S.No.27/15 at Maranivariyenthall Village, Madurai North Taluk, Madurai District under a registered sale deed bearing Document No.12/1992 on the file of the Chokkikulam Sub-Registrar Office, Madurai. The petitioner claims title to 88 cents of land in the above mentioned survey number. In order to subdivide the relevant property and obtain a separate patta in respect thereof, it is stated that the petitioner submitted an application on 20.04.2021.



Subsequent to a field inspection, the petitioner states that no orders were passed on the application. Therefore, the petitioner filed W.P.(MD)No.10532 of 2021. Pursuant to order dated 24.06.2021, the first respondent issued the impugned order whereby the application for patta was rejected on the sole ground that there was a discrepancy between the chitta and the title documents. The petitioner asserts that the impugned order is not sustainable inasmuch as the application for patta was only in respect of 88 cents purchased by the petitioner under the sale deed dated 06.01.1992.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for all the respondents. He submits that the Tahsildar rejected the application in view of the fact that the relevant survey number is of an extent of 0.39.50 hectares, which corresponds roughly to about 97.5 cents. However, he adds that the Tahsildar may be directed to reconsider the matter after putting all the joint pattathars on notice.

4.The petitioner has enclosed a copy of the sale deed dated 06.01.1992. The schedule thereto discloses that the petitioner has purchased 88 cents in S.No.27/15 under two items described in the schedule. The application for subdivision and patta also discloses that the claim for patta is in respect of 88 cents. Patta No.730 is on record. The said patta was issued to Alagu, Tamlarasi, Selvi, Ilangoan and Muthu. It pertains to four different survey numbers, including S.No.27/15B of an extent of 0.39.50 hectares, which appears to roughly correspond to 97.5 cents. Therefore, the petitioner's request for patta is in respect of the smaller extent of 88 cents which he purchased under the above mentioned sale deed. As such, a subdivision of the relevant survey number would be necessary in order to consider the petitioner's application for a separate patta. For such purpose, it would be necessary to put the joint pattathars on notice.

5.Nonetheless, the impugned order is unsustainable inasmuch as the only reason cited therein is the discrepancy between the chitta and the registered documents. As correctly pointed out by the petitioner, the application for patta was in respect of the 88 cents which were purchased by the petitioner under the sale deed dated 06.01.1992. Therefore, the impugned order is quashed. As a corollary, the first respondent is directed to reconsider the matter. The first respondent shall reconsider the petitioner's application for subdivision and separate patta after providing a reasonable opportunity to the petitioner and the six joint pattathars under Patta No.730. Upon such reconsideration, the first respondent is directed to issue a reasoned order within a period of three (3) months from the date of receipt of a copy of this order.



6.W.P.(MD).No.18359 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Tahsildar,
Office of the Tahsildar,
Madurai North Taluk (ii),
Madurai District.
- 2.The Firka Surveyor,
Koolapandi Firka,
Madurai North Taluk,
Madurai District.
- 3.The Village Administrative Officer,
Maranivariyendal Group,
Madurai North Taluk,
Madurai District.

+1 CC to M/s.S.MALAIKANI, Advocate (SR-32039[F] dated 20/10/2021)

+1 CC to M/s.SPL.GP (SR-32071[F] dated 21/10/2021)

W.P(MD) .No.18359 of 2021
20.10.2021

PS (CO)

RS/JC (01.11.2021) 3P 6C