



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.18623 of 2021

WEB COPY

Chandra

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul Division,
Dindigul.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul.

4.Perumal

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the third respondent to conclude the proceedings pending on his file in O.Mu.No.5722/2020/Aa4 (ஒ.மு.எண் .5722/2020/ஆ4) to cancel the mutation and subdivision made in favour of the fourth respondent with respect to the land in Survey No.173/1B and issue patta in Survey No.173/1A with extent of land as per her sale deed in Doc.No.1624/1982 dated 06.07.1982 within a time as stipulated by this Court.

For Petitioner : Mr.S.Balakarthick
For R1 to R3 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction to the third respondent to conclude the proceedings bearing O.Mu.No.5722/2020/Aa4 in respect of rectification of alleged errors while subdividing the property and issuing patta in respect thereof.

2.The petitioner claims title to the property bearing S.No.173/1 through a registered sale deed dated 06.07.1982, bearing Document No.1624/1982. The petitioner cites a patta issued to her in respect of the property bearing S.No.173/1 of an extent of 0.58.0 hectares.



3. According to the petitioner, the fourth respondent purchased two-thirds of the property from the petitioner's vendor and one Lakshmiammal under a registered sale deed dated 23.10.1991, bearing Document No.1839/1991. The petitioner alleges that an error was committed in course of subdivision of the property. In particular, the petitioner's contention is that 15 cents was added to subdivided S.No.171/1B and 15 cents was erroneously reduced from the property bearing S.No.173/1A. After submitting a representation to the third respondent to rectify the alleged anomalies, the present writ petition is filed.

4. Mr. P. Subbaraj, learned counsel for the State, accepts notice for respondents 1 to 3. He submits that the third respondent may be directed to dispose of the pending proceedings expeditiously after providing a reasonable opportunity to the fourth respondent.

5. The petitioner relies upon the patta issued to her prior to the subdivision to substantiate the contention that an error was committed in course of subdivision. For purposes of the present proceeding, it is unnecessary to enter any findings with regard to the petitioner's assertion. In any event, a reasonable opportunity should be provided to the fourth respondent before the said issue is decided by the third respondent.

6. Accordingly, without entering any findings on the merits of the matter, the third respondent is directed to consider the pending proceedings bearing O.Mu.No.5722/2020/Aa4 and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the fourth respondent herein.

7. W.P. (MD). No. 18623 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CO)

// 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 District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul Division,
Dindigul.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul.

+1 CC to M/s.SPL.GP (SR-32369[F] dated 25/10/2021)

W.P (MD) .No.18623 of 2021
22.10.2021

SE (CO)

GC/JC(02.11.2021) 3P 5C