



W.P(MD)No.4672 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD).No.4672 of 2013

K.P.Muruganantham,

: Petitioner

Vs

1. The Thasildar,
Srivilliputtur Taluk Office,
Srivilliputtur,
Virudhunagar District.

2. Kamaraj,
3. Subbulakshmi,
4. Sundarammal,
5. Jothilakshmi,
6. Umadevi,
7. Veeralakshmi,
**(*R2 to R7 are impleaded by this Court vide
order dated 06.09.2022)**

: Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus directing the



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respondent to call for the Proceedings of the respondents in Na.Ka.S1/166/2013 dated 31.01.2013 and quash the same and consequently direct the respondent to give the sub division and issue separate patta in the name of the petitioner herein in respect of the land 56 cents in southern side in S.No.681/2 S.Kodikulam Village, Srivilliputtur Taluk, Virudhunagar District.

For Petitioner : Mr.G.Gomathi Sankar

For R1 : Mr.M.Linga Durai

Special Government Pleader

For R5 and R7 : No Appearance

For R6 : Mr.Loganathan

ORDER

The present writ petition had been filed challenging the order passed by the first respondent herein, under which, the request of the petitioner for grant of separate patta after sub-dividing S.No.681/2, was rejected.

2.According to the learned Counsel appearing for the petitioner, the property originally belongs to Somasundra Thevar, who has bequeathed it in



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favour of his six children. All the six children have jointly executed a registered general power deed to one Chinna Karuppiyah. Later, three daughters of the said Somasundara Thevar namely, Sundrammal, Umadevi and Rani @ Veeralakshmi have cancelled the said general power deed on 02.09.2010. However, the power agent namely, Chinna Karuppiyah proceeded to execute a sale deed in favour of the petitioner with regard to the share of the other three persons, who have not cancelled the power deed.

3.On a perusal of the sale deed, it indicates that the sale deed has been executed for the undivided extent of 56 cents. Armed with this sale deed, the petitioner has approached the first respondent for issuance of separate patta after sub-division of S.No.681/2. The first respondent has rightly rejected the request on the ground that the property purchased by the petitioner is only an undivided extent of 56 cents and hence his request for separate patta after sub-division of S.No.681/2, cannot be granted. However, the petitioner would be entitled to get joint patta along with other legal heirs of Somasundara Thevar without sub-division.

4.Hence the order impugned passed by the first respondent is hereby set



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aside and the matter is remitted back to the file of the first respondent, for fresh consideration. The first respondent shall conduct a fresh enquiry after giving due opportunity to the petitioner and three daughters namely Sundrammal, Umadevi and Rani @ Veeralakshmi (who have cancelled the power deed) and pass orders on merits and in accordance with law.

5. With the above observation, this writ petition stands disposed of. No costs.

13.09.2022

Index : Yes / No
Internet : Yes/ No
lr

To
The Thasildar,
Srivilliputtur Taluk Office,
Srivilliputtur,
Virudhunagar District.



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R.VIJAYAKUMAR, J.

lr

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