



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4040 of 2022

R.Ganesan

... Petitioner

Vs.

1.The District Collector,  
Dindigul District,  
Dindigul.

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

3.The Tahsildar,  
Dindigul East Taluk,  
Dindigul District.

4.Indrani

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent herein to issue Sub Division Pattas in respect of the landed properties comprised in Survey No.212/8A-1 and in Survey No.212/6, situated at Adiyanuthu Village, Dindigul East Taluk, Dindigul by implementing the order passed by the second respondent vide his proceedings in Na.Ka.No.10720/2018/Aa4 dated 29.12.2020 confirming the order passed by the third respondent in his proceedings in Na.Ka.No.1870/2016/Aa2, dated 03.08.2016 on the basis of the petitioner's representation dated 27.07.2021 within the time stipulated by this Court.

For Petitioner

: Mr.A.Sheik Nasurdeen  
for Mr.J.Lawrance

For Respondents 1 to 3 : Mr.T.Amjad Khan

Government Advocate

### O R D E R

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This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to issue sub-division pattas in respect of the landed properties comprised in Survey No.212/8A-1 and in Survey No.212/6, situated at Adiyanuthu Village, Dindigul East Taluk, Dindigul by implementing the order passed by the second



respondent dated 29.12.2020, confirming the order passed by the third respondent in his proceedings dated 03.08.2016 on the basis of the petitioner's representation dated 27.07.2021 within a time frame to be fixed by this Court.

2.The petitioner claims that he is the absolute owner of the aforementioned properties. Earlier the fourth respondent had objected to the grant of patta in favour of the petitioner before the third respondent. By order dated 03.08.2016 passed by the third respondent the fourth respondent's objection application was rejected. Aggrieved by the same, the fourth respondent preferred the statutory appeal before the second respondent. The second respondent also confirmed the order dated 03.08.2016 passed by the third respondent. In such circumstances, the petitioner has filed an application before the third respondent for issuance of sub-division pattas for the aforementioned properties in his name on 27.07.2021. Since the said application has not been considered till date, he has filed this writ petition.

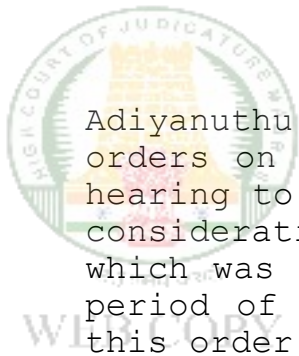
3.Heard Mr.A.Sheik Nasurdeen, for Mr.J.Lawrance, learned Counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of respondents 1 to 3.

4.On instructions, learned Government Advocate would submit that there is already a civil suit between the parties and that is the reason for the second and third respondents for not processing the petitioner's application seeking for issuance of sub-division pattas in his name.

5.Learned Counsel for the petitioner also does not dispute the same. However, he would submit that since the fourth respondent's objection application has been rejected on 03.08.2016 by the third respondent and confirmed by the second respondent by its order dated 29.12.2020 and there being a positive direction issued by the third respondent in favour of the petitioner, there is no prohibition for the second and third respondents to issue sub-division pattas in favour of the petitioner.

6.After hearing the submissions made by the respective counsels, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's application seeking for issuance of sub-division patta in his name is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the fourth respondent.

7.Accordingly, this Court directs the second respondent to consider the petitioner's application dated 27.07.2021 seeking for issuance of sub-division pattas in respect of the landed properties comprised in Survey No.212/8A-1 and in Survey No.212/6, situated at



Adiyanuthu Village, Dindigul East Taluk, Dindigul and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the fourth respondent after giving due consideration to the orders passed by the Tahsildar dated 03.08.2016 which was confirmed by the second respondent on 29.12.2020 within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

**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 District, Dindigul.

3. The Tahsildar,  
Dindigul East Taluk,  
Dindigul District.

+1 CC to M/s.J.LAWRANCE, Advocate ( SR-10492[F] dated 08/03/2022 )

+1 CC to M/s.SPL GP ( SR-10563[F] dated 08/03/2022 )

**ORDER MADE IN**  
**W.P. [MD]No.4040 of 2022**  
**07.03.2022**

sb(CO)

TR(24.03.2022) 3P 6C