



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4986 of 2022

WEB COPY

Shobakumari

.. Petitioner

Vs

1.The District Collector,
Kanniyakumari District,
Nagercoil.

2.The Revenue Divisional Officer,
Padmanabhapuram,
Kanniyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanniyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to effect sub division and issue separate patta in the name of the petitioner with regard to the properties in R.S.No.300/6, 300/9 and 300/10 of Reethapuram Village, Kalkulam Taluk, Kanniyakumari District.

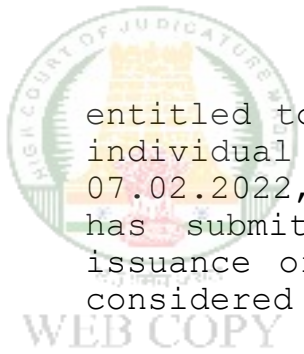
For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents, to effect sub division and issue separate patta in the name of the petitioner with regard to the properties in R.S.No.300/6, 300/9 and 300/10 of Reethapuram Village, Kalkulam Taluk, Kanniyakumari District and pass final orders, within a time frame to be fixed by this Court, based on the representation, dated 27.12.2021.

2.According to the petitioner, the patta for the aforementioned property presently stands in the name of joint names. The petitioner claims that by virtue of the sale deed, dated 05.07.1967, standing in the name of the mother, who is no more and by virtue of the settlement deed, dated 03.10.1981, executed in his favour, he is



entitled to obtain a patta for the aforementioned properties in his individual name. He has also filed the house tax receipt, dated 07.02.2022, for the aforementioned property standing in his name. He has submitted an online application on 27.12.2021, seeking for issuance of patta in his name. Since the application has not been considered till date, the petitioner has filed this writ petition.

3.Heard Mr.C.T.Perumal, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4.No prejudice will be caused to the respondents, if the petitioner's representation, seeking for issuance of a separate patta in his name for the aforementioned property, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the third respondent deems fit to enquire, within a time frame to be fixed by this Court.

5.Accordingly, this Court directs the third respondent to consider the petitioner's online application, dated 27.12.2021, requesting the third respondent to effect subdivision and issue separate patta in his name for the properties in R.S.No.300/6, 300/9 and 300/10 of Reethapuram Village, Kalkulam Taluk, Kanniyakumari District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner as well as any other rival claimant, whom the third respondent deems fit to enquire and also granting them the right of personal hearing, within a period of three months from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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, Kanniyakumari District, Nagercoil.

2.The Revenue Divisional Officer, Padmanabhapuram,
Kanniyakumari District.

3.The Tahsildar, Kalkulam Taluk,
Kanniyakumari District.

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-13658[F] dated 23/03/2022)

+1 CC to M/s.SPL GP (SR-13904[F] dated 23/03/2022)

W.P. (MD)No.4986 of 2022

22.03.2022

KG (CO)

TR(08.04.2022) 3P 6C