



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6046 of 2022

D.Sudalai

... Petitioner

/Vs./

1. The District Collector,
Tirunelveli.

2. The Revenue Divisional Officer,
Cherean Mahadevi,
Tirunelveli District.

3. The Tahsildar,
Nanguneri,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

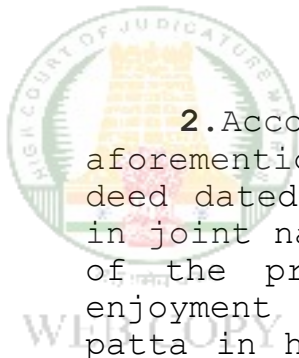
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 and 3 herein to process the application for Sub-division patta transfer vide can No.0332908082164 and application No.2020/0105/29/133128 dated 26.08.2020 for Sub-division patta transfer from joint patta No.1157 and issue separate patta to the petitioner for the lands in survey No.1575/2 to an extent of 32 cents in Moolakarai Patti, Revenue Village, Nanguneri Taluk, Tirunelveli District, by considering petitioner's representation dated 22.12.2021 within a time stipulated by this Court.

For Petitioner : Mr.S.Rajesh Kanna
for Mr.D.Nallathambi

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 2 and 3 herein to process the petitioner's application seeking for Sub-division patta in his name, vide can No.0332908082164 and application No.2020/0105/29/133128 dated 26.08.2020 from joint patta No.1157 and issue separate patta to the petitioner in respect of the property measuring to an extent of 32 cents in Survey No.1575/2 situated at Moolakarai Patti, Revenue Village, Nanguneri Taluk, Tirunelveli District, by considering petitioner's representation dated 22.12.2021, within a time frame to be fixed by this Court.



2. According to the petitioner, he is the absolute owner of the aforementioned property having purchased the same under the sale deed dated 17.12.1986. According to him, earlier, the patta stood in joint names, which included his name also. Eversince his purchase of the property on 17.12.1986, he has been in possession and enjoyment of the same. The petitioner has applied for separate patta in his name on 26.08.2020. Thereafter, he has also given a representation on 22.12.2021. Since the said application has not been considered till date, this writ petition has been filed.

3. Heard Mr.S.Rajesh Kanna, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has filed documents in support of his case that he is entitled for separate patta for the subject property. It is for the respondents to consider the same on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the respondents deem fit to enquire. No prejudice would be caused to the respondents, if the aforesaid exercise is done.

5. Accordingly, this Court directs the third respondent to consider the petitioner's application dated 26.08.2022 seeking for issuance of separate patta in his name for the property measuring to an extent of 32 cents in Survey No.1575/2 situated at Moolakarai Patti, Revenue Village, Nanguneri Taluk, Tirunelveli District and pass orders 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 period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The District Collector,
Tirunelveli.



2. The Revenue Divisional Officer,
Cherean Mahadevi,
Tirunelveli District.

3. The Tahsildar,
Nanguneri,
Nanguneri Taluk,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-16697[F] dated 05/04/2022)

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04.04.2022

NSN(CO)
KB(20.04.2022) 3P 5C