



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8479 of 2022

Selvaraj

... Petitioner

Vs.

1.The District Revenue Officer,
Dindigul, Dindigul District.

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

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

4.Jiyavuthin

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd Respondent to sub divide the S.No.157, situated at Sirumalai Revenue Village, Dindigul East and Taluk, Dindigul District and issue separate patta in the petitioner name.

For Petitioner : Mr.R.Murugappan

For Respondent : Mr.B.Saravanan for R1 to R3
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to consider the petitioner's representations, dated 14.07.2021, seeking for a direction to subdivide the property comprised in S.No.157, situated at Sirumalai Revenue Village, Dindigul East and Taluk, Dindigul District and thereafter, issue patta in the name of the petitioner, within a time frame to be fixed by this Court.

2.Heard Mr.R.Murugappan, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

3.According to the petitioner, he is the owner of the aforementioned property, pursuant to a partition deed, dated 16.03.1995 and a civil Court judgment and decree dated 12.08.2015, passed in O.S.No.770 of 2013, by the Additional District Munsif, Dindigul. The petitioner has given a representation on 14.07.2021,



seeking for issuance of patta in his name for the aforementioned property. Since the representation has not been considered till date, he has filed this writ petition.

4.The petitioner has filed documents along with the writ petition, which includes the copy of the partition deed, dated 16.03.1995, copy of the judgment and decree passed in O.S.No.770 of 2013 by the learned Additional District Munsif, Dindigul dated 12.08.2015 and copy of the patta bearing patta No.1237 standing in the name of the 4th respondent. It is for the third respondent to consider the same on merits and to decide as to whether the petitioner is entitled for subdivision and for issuance of a separate patta in his name.

5.No prejudice will be caused to the respondents, if the petitioner's representation, seeking for subdivision and issuance of separate patta is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, fourth respondent, and any other necessary party, whom the third respondent deems fit to enquire.

6.For the foregoing reasons, this Court directs the third respondent to pass final orders on the petitioner's representation, dated 14.07.2021, seeking for subdivision and issuance of separate patta in his name in support of the property comprised in S.No.157, situated at Sirumalai Revenue Village, Dindigul East and Taluk, Dindigul District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, fourth respondent, and any other necessary party, whom the third respondent deems fit to enquire, including granting them the right of personal hearing, within a period of three months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The District Revenue Officer,
Dindigul, Dindigul District.



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

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

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-22855[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP (SR-23198[F] dated 02/05/2022)

W.P. (MD)No.8479 of 2022
28.04.2022

MGJ(23.05.2022) 3P 6C