



W.P(MD)No.11476 of 2022

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11476 of 2022

Lakshmi C.Raj

... Petitioner

Vs.

1.The District Collector
Collectorate
Dindigul District 624 001.

2.The District Revenue Officer,
Office of the District Revenue Officer,
Collectorate,
Dindigul District 624 001.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kodaikanal, Dindigul District 624 101.

4.The Tahsildar,
Taluk Office,
Kodaikanal,
Dindigul District 624 101.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents herein to consider and pass orders on the representation of the petitioner dated 26.03.2022 despatched on 30.03.2022 by registered post with acknowledgment



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due and receive by the respondents on 31.03.2022 for mutation of all the revenue records by issuing patta with necessary sub-divisions of survey No. 263/1C in Kukkal Village, Kodaikanal Taluk by virtue of registered sale deed dated 11.08.2021 vide Doc.No.1308/2021 in accordance with law.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petition mentioned property was the subject matter of settlement proceedings way back in the year 1982. The settlement patta was issued in favour of one Veluchamy. In the 'A' register also, the name of Veluchamy has been specifically entered. A copy of the extract of 'A' register as well as the settlement notice and also the settlement patta have been enclosed in the typed set of papers. The said Veluchamy sold the property in favour of one Rajesh husband of the writ petitioner in the year 2001. Thiru.Rajesh settled the entire extent in Survey No.263/1 in favour of the petitioner in the year 2002 itself. Thus, the petitioner became the absolute owner. Mutation in the revenue record in favour of the petitioner was effected subsequently. While so, after retaining a portion, the petitioner sold the balance extent of the property in two parcels



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in favour of Thiru.V.Pathanjali in the year 2014 and in favour of Dr.Vijayam Balaji on 11.08.2021. Thus, as on date, there are three persons having title over their respective portions of the petition mentioned survey number, namely, the writ petitioner herein, Thiru.V.Pathanjali and Dr.Vijayam Balaji. The petitioner moved the fourth respondent for sub-dividing the survey number and for issuance of separate patta. Even though a request was made quite some time back, the fourth respondent appears to have taken a stand that the petitioner's request cannot be complied with. That led to filing of the writ petition.

3. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents on instruction made a submission that the free house site patta was issued in favour of Veluchamy way back on 08.12.1972 and that in breach of the assignment condition, he had alienated the property and therefore, the writ petition deserves to be dismissed. It has been further claimed that action is being taken for cancelling the assignment.

4. I am not able to appreciate the stand taken by the fourth respondent. It is clear from the records that alienation by Thiru.Veluchamy was done way back in the year 2001. Subsequently, the purchaser settled the property in



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favour of the writ petitioner. Patta had also been mutated in favour of the writ petitioner. That apart, the materials placed before me clearly indicate that Veluchamy was the holder of a settlement patta and not free assignment patta.

5. In these circumstances, I have to necessarily reject the stand taken by the fourth respondent. The fourth respondent is directed to effect sub-division of the petition mentioned survey number and issue individual patta for the three title holders namely the writ petitioner, Thiru.V.Pathanjali and Dr.Vijayam Balaji. This exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed. No costs.

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Index : Yes / No

Internet : Yes/ No

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To

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G.R.SWAMINATHAN, J.

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