



*W.P(MD)No.13005 of 2015*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.11.2022**

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.13005 of 2015**

M.Mohamed Iqbal

Power Agent of M.Mohamed Mansoor Hallaj

... Petitioner

Vs.

1.The District Collector,  
Thanjavur District,  
Thanjavur.

2.The Revenue Divisional Officer,  
Kumbakonam,  
Thanjavur District.

3.The Tahsildar,  
Papanasam Taluk,  
Papanasam,  
Thanjavur District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to cancel the joint patta and issue separate patta in favour of the petitioner's Principal, namely, M.Mohamed Mansoor Hallaj in respect of Survey No.350/1 to an extent of 64 cents and 360/2 to an extent of 27 cents Nanja lands situated in Valoothoor Village, Papanasam Taluk,



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Thanjavur District and consider the petitioner's Principal representation,  
dated 27.10.2014.

For Petitioner : M/s.K.Guhan

For Respondents : M/s.M.Lingadurai  
Special Government Pleader

### **ORDER**

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the third respondent herein to issue separate patta in favour of the writ petitioner's Principal, namely, M.Mohamed Mansoor Hallaj in respect of Survey No.350/1 for an extent of 64 cents and in Survey No.360/2 to an extent of 27 cents.

2. According to the learned Counsel for the petitioner, he has purchased the property under a sale deed, dated 12.04.2012 and a joint patta was issued in favour of the Principal on 07.09.2013. Thereafter, the petitioner has been continuously sending representations for a separate patta in his favour. Since there was no response from the third respondent, the present writ petition has been filed.



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3. The third respondent has filed a counter and as per the said counter, a clumsy situation is prevailing in the holding. That apart, various persons, are in occupation of a vast area of 140 acres are residing and hence, there is no possibility of making sub divisions and granting individual patta due to practical reasons. The learned Counsel for the writ petitioner brought to the notice of the Court that even during the pendency of the writ petition, sub divisions have been effected and separate pattas have been issued, by an order of the third respondent herein, dated 29.09.2016. He has also brought to the notice of the Court that separate pattas have been issued in the name of various persons from 2016 to 2018.

4. Per contra, the learned Special Government Pleader appearing for the third respondent had contended that after 2018, making sub divisions and grant of separate pattas have been stopped.

5. There is no averment in the counter that the petitioner is not entitled to get patta. However, the authorities have only expressed some difficulty in making sub divisions and granting separate patta in favour



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of the writ petitioner. In view of the fact that the land is a vast area, having an extent of 140 acres and there several persons are residing in the said property. However, in view of the subsequent events, namely, the sub divisions effected and grant of separate patta in favour of various persons, even during the pendency of the writ proceedings, I find that a direction could be issued as against the third respondent herein to consider the request of the petitioner for sub division and grant of separate patta.

6. The learned Special Government Pleader appearing for the third respondent pointed out that in view of the pendency of the writ petition, the Revenue Divisional Officer has passed an order, not to grant patta to anyone. However, the petitioner is directed to approach the third respondent herein with a fresh application along with a copy of this order. The third respondent is directed to consider the same and pass orders on or before 31.01.2023. Since the writ petition has been disposed of, the third respondent is directed to proceed further.



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7. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs.

**02.11.2022**

Index : Yes / No  
Internet : Yes / No  
btr

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**R.VIJAYAKUMAR, J.**

btr

Order made in  
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