



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).Nos.20870, 20871, 20872 and 20873 of 2021

Anitha Raja Bai	...Petitioner in W.P(MD).No.20870 of 2021
S.Dhas	...Petitioner in W.P(MD).No.20871 of 2021
Sathia Prabin	...Petitioner in W.P(MD).No.20872 of 2021
Sathia Snehan	...Petitioner in W.P(MD).No.20873 of 2021

Vs.

1.The District Collector,
Kanyakumari District,
Office of the District Collector,
At Nagercoil.

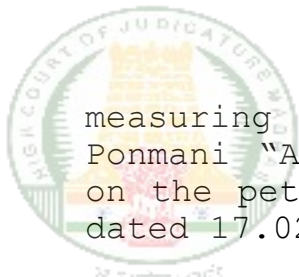
2.The Tashildar,
Thiruvattar Taluk,
Kanyakumari District.

...Respondents(In all Writ Petitions)

Prayer in W.P(MD).No.20870 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the second respondent to grant an individual patta in the petitioner's name in respect of property measuring an extent of 5 acres 500 square links beaing R.S.No.531/1A1A1A of Ponmani "A" Village, Thiruvattar Taluk, Kanyakumari District based on the petitioner's application for sub-division and patta transfer dated 17.02.2021.

Prayer in W.P(MD).No.20871 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the second respondent to grant an individual patta in the petitioner's name in respect of property measuring an extent of 5 acres 1 cent beaing R.S.No.531/1A1A1A of Ponmani "A" Village, Thiruvattar Taluk, Kanyakumari District based on the petitioner's application for sub-division and patta transfer dated 17.02.2021.

Prayer in W.P(MD).No.20872 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the second respondent to grant an individual patta in the petitioner's name in respect of property



measuring an extent of 4 acres 1 cent beaing R.S.No.531/1A1A1A of Ponmani "A" Village, Thiruvattar Taluk, Kanyakumari District based on the petitioner's application for sub-division and patta transfer dated 17.02.2021.

Prayer in W.P(MD).No.20873 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the second respondent to grant an individual patta in the petitioner's name in respect of property measuring an extent of 4 acres 1 cent beaing R.S.No.531/1A1A1A of Ponmani "A" Village, Thiruvattar Taluk, Kanyakumari District based on the petitioner's application for sub-division and patta transfer dated 17.02.2021.

For Petitioner	: Mr.M.Gnanagurunathan
(In all Writ Petitions)	
For Respondents	: Mr.J.John Rajadurai
(In all Writ Petitions)	Government Advocate

COMMON ORDER

Heard Mr.Gnanagurunathan, learned Counsel for the petitioner and Mr.John Rajadurai, learned Government Advocate for the respondents.

2.Since the issue raised in all the four writ petitions are similar, common order is passed.

3.The writ petitioners in W.P.(MD).No.20782 of 2021 and 20873 of 2021 are the sons of the writ petitioners in W.P.(MD).Nos.20870 and 20871 of 2021. They all filed writ petitions claiming that they had individually purchased land in R.S.No.531/1A1A1A in Ponmani "A" Village, by way of four separate sale deeds. The petitioner in W.P.(MD).No.20870/mother had purchased the land to an extent of 5 acres 500 square links .The petitioner in W.P.(MD).No.20871 of 2021/father had purchased the land to an extent of five acres and 1 cent. The petitioner in W.P.(MD).No.20782 of 2021/ first son had purchased the land to and extent of 4 acres and 1 cent. The petitioner in W.P.(MD).No.20783 of 2021/second son had purchased the land to an extent of 4 acres and 1 cent. All the above lands are situated in the afore mentioned R.S.No.531/1A1A1A at Ponmani "A" Village. The petitioners seek sub division of the lands and transfer of patta. They had made individual online applications on 17.02.2021 to the second respondent/Tashildar, Thiruvattar Taluk, Kanyakumari District. It had been received by the said Tashildar. Since a suit has been filed in O.S.No.135 of 2021 before the Principal District Munsiff's Court, Padmanabhapuram with respect to the property in R.S.No.531/1A1A1A by S.Shakila Fervin against Kireanal, V.Raju and Kanaga Bai for permanent injunction, the application of the petitioners has not been considered.

4.Mr.John Rajadurai, learned Government Advocate was requested to get necessary instructions. The learned counsel states that the land purchased by the petitioner in R.S.No.531/1A1A1A , are not the same land which are the subject matter of the suit and more over the

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title of the petitioners. Further, the petitioners are not parties in the said suit. Their purchase has not been questioned, Their possession has not been questioned.

5. In view of all these facts, if the petitioners make fresh applications through online and pay necessary charges even though they had already made an application, a Mandamus would issue to the second respondent/ Tashildar to consider such applications and proceed further to comply with the requirements in the applications by enquiring the petitioners, enquiring anybody else who would necessarily have to be enquired and thereafter complete the entire exercise within a period of 12 weeks from the date of receipt of copy of this order.

6. With the above observation, the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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,
Kanyakumari District,
Office of the District Collector, At Nagercoil.

2. The Tashildar,
Thiruvattar Taluk, Kanyakumari District.

+4 CC to M/s.M.GNAGURUNATHAN, Advocate(SR-1460[F] dated 12/01/2022)

+1 CC to M/s.SPL.GP (SR-1485[F] dated 12/01/2022)

W.P (MD) .Nos.20870, 20871,
20872 and 20873 of 2021
11.01.2022

MGJ(03.02.2022) 3P 8C

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