



W.P.(MD)No.24870 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24870 of 2022

P.Pandiyarajan

.. Petitioner

Versus

1.The Revenue Divisional Officer,
Melur, RDO Office at Othakadai,
Madurai District.

2.The Tahsildar,
Madurai East Taluk,
Madurai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to expeditiously dispose of the petitioner's application made on 07.09.2020 on merits and in accordance with law, in the light of the proceedings of the first respondent, in Na.Ka.No.3504/2020/A1, dated 09.11.2020, within a time frame.

For Petitioner : Mr.V.S.Kishok Kumar

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing

the second respondent to expeditiously dispose of his application made on



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07.09.2020 on merits and in accordance with law, in the light of the proceedings of the first respondent, in Na.Ka.No.3504/2020/A1, dated 09.11.2020, within a time frame.

2.Heard Mr.V.S.Kishok Kumar, learned counsel appearing for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the house property, measuring an extent of 2.5 cents, bearing Door No.2/52, situated in S.No.70/2 (Old S.No.52/8) of Melamadai Village, Bit-I, belongs to him ancestrally. His paternal grandmother Pitchaiammal had purchased the property by way of registered sale deed dated 06.08.1928, which in turn, remained as part and parcel of a larger extent of 8 cents of the landed property in Old S.No.52/8 (New Survey No.70/2). As such, prior to UDR, Patta No.84 for the larger extent of property, admeasuring 8 cents in S.No.52/8 stood in the names of the petitioner's paternal grandmother Pitchaiammal and three others namely, Solai Servai, Rakkayee and Chellammal jointly. Under the said circumstance, after conveyance and transactions within their family, the subject property came to be apportioned to the petitioner's share and he is in peaceful possession and enjoyment over the same. While so, one Thangapandian, who is none other



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than but one of the lineal descendants of Pitchaiammal, purchased the house property bearing D.No.2/53, admeasuring 254 sq.ft. in the above landed property of 2.5 cents belonging to the petitioner's parental grandmother Pitchaiammal through a registered sale deed dated 18.06.2013. Accordingly, the petitioner and the said Thangapandian approached the respondents for issuance of Patta for their respective property along with all relevant documents, including the death certificate, legal heirship certificate, title deed, FMB and revenue records. Under the said circumstance, it was informed by the respondents that during UDR, an error has been crept in omitting the petitioner's grandmother Pitchaiammal's name and that the corresponding revenue entry stood erroneously entered in the name of Rakkayee alone. Hence, the petitioner and the said Thangapandian made an application along with all relevant documents before the first respondent on 07.09.2020, seeking to mutate the aforesaid error and issue Patta for their respective property by sub-division. On receipt of the said application, the first respondent forwarded the same to the second respondent and thereafter, no steps have been taken. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents submitted that the application submitted by the petitioner and the



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said Thangapandian, dated 07.09.2020, would be considered and appropriate orders would be passed by the second respondent, in the light of the proceedings of the first respondent dated 09.11.2020, within a time frame to be fixed by this Court.

5.Considering the aforesaid submission made by the learned Additional Government Pleader appearing for the respondents, this Court, without going into the merits of the case, directs the second respondent to consider the application of the petitioner and the said Thangapandian, dated 07.09.2020, in the light of the proceedings of the first respondent dated 09.11.2020, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the necessary parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

6.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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