



W.P.(MD)No.1261 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.1261 of 2021

Rasheetha Begam, W/o.Dillah Mohammed

.. Petitioner

Versus

1.The District Collector,
O/o.The District Collector, Trichy.

2.The Tahsildar,
O/o.The Tahsildar, Trichy East Taluk,
Trichy District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent herein to issue the transfer patta in the petitioner's name i.e. full field patta transfer involving the sub divisions on the basis of the petitioner's representation, within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the second respondent to consider the online application made by the petitioner and to sub-divide the property and grant individual Patta in the name of the petitioner.



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2. The case of the petitioner is that she has purchased the subject property from one Saroja through a registered sale deed, dated 24.01.2019. By virtue of this sale deed, the said Saroja had sold an extent of 50 cents out of total extent of 2.50 Acres, to the petitioner. In view of the same, the petitioner was seeking for the sub-division of the survey number and for the issuance of Patta in her name for 50 cents.

3. The online application made by the petitioner was rejected by the second respondent on the ground that the petitioner is not in possession and enjoyment of the property. Aggrieved by the same, the present Writ Petition has been filed before this Court.

4. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Mr.D.Farjana Ghoushia, learned Special Government Pleader for the respondents.

5. The learned Special Government Pleader appearing on behalf of the respondents submitted that the second respondent has already rejected the online application filed by the petitioner and therefore, the petitioner has to work out her remedy by filing an appeal.



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6. On carefully going through the application status that is available at Page No.9 of the typed set of papers, it is seen that the online application has been rejected on the ground that the petitioner is not in possession and enjoyment of the property. In the instant case, the property in question is a vacant land and therefore, the possession can be decided only based on the title. It is not possible for the petitioner to be physically occupying the vacant land. Therefore, the very reason that has been assigned by the second respondent/Tahsildar, Trichy East Taluk, for the rejection of the application is unsustainable.

7. In view of the above, there shall be a direction to the petitioner to submit a fresh application to the second respondent along with all the relevant documents and also a copy of this order.

8. The second respondent shall consider the same in the light of the title deed, that is being relied upon by the petitioner. Ultimately, a decision shall be taken for the sub-division and for issuance of Patta in the name of the petitioner with respect to 50 cents of land, within a period of six weeks from the date of receipt of a copy of this order.



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9. This Writ Petition is disposed of with the above direction. No costs.

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NCC : Yes/No
Index : Yes/No
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To

- 1.The District Collector,
O/o.The District Collector, Trichy.
- 2.The Tahsildar,
O/o.The Tahsildar, Trichy East Taluk,
Trichy District.



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N.ANAND VENKATESH, J.

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