



W.P.(MD) No.1728 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.1728 of 2020

A.Saravanan

... Petitioner

Vs.

1.The Sub Collector,
Pattukottai Taluk,
Thanjavur District.

2.The Tahsildar,
Thaluk Office,
Pattukottai Taluk,
Thanjavur District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to Sub-divide and grant separate patta for land in Survey No.93/2A3 situated at Thiruchitrambalam east Village, Pattukottai Taluk, Thanjavur District, in favour of the petitioner based on the representation dated 17.09.2019 within time framed to be fixed by this Court.



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For Petitioner : Mr.S.Kumar

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The petitioner has moved this petition seeking the issue of writ of mandamus directing the respondents to sub-divide and grant separate patta in favour of the petitioner in respect of Survey No.93/2A3, Thiruchitrambalam East Village, Pattaukottai Taluk, Thanjavur District, on the basis of his representation, dated 17.09.2019.

2.It is the case of the petitioner that the land in question, which measures 1.35.5 hectares, belonged to one Vaidhyanatha Gurukkal, under a settlement deed, dated 07.01.1961. Out of this extent, Vaidhyanatha Gurukkal and one Sambhi had settled an extent of 2 acres 75 cents on the eastern side of the property in favour of Thiruchitrambalam Purathaneshvarar Swami Temple and retained 61 cents on the western side. The Revenue Authorities during the Natham Settlement has granted



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patta in respect of the entire extent of 1.35.5 hectares in favour of the temple and thereafter, the temple had filed a civil suit against the purchaser of 61 cents of land and to declare the sale in their favour as null and void. The suit was decreed, against which, the purchaser had filed an appeal in A.S.No.108 of 1998 on the file of Sub Court, Pattukottai which was allowed by the first appellate Court holding that the temple had no right or title over the 61 cents situated on the western side in Survey No.93/2A3. On the strength of this Judgment, the purchaser has submitted the application before the Tahsildar, Natham Settlement Scheme to include them in the Thoraya patta. The Special Tahsildar thereafter cancelled the earlier patta granted in favour of the temple and granted joint patta in the name of the purchasers.

3. The petitioner's vendor Chinnakanna was one of the joint pattadars, who had purchased an extent of five cents under a sale deed dated 14.07.1965. Thereafter, under a sale deed, dated 08.04.1996 Chinnakannu sold the property to Vijayalakshmi, who in turn, sold the property to one A.Selvam, under a sale deed, dated 17.09.2007, who is



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none else than the petitioner's brother. Thereafter under a settlement deed, dated 21.01.2008, the petitioner's brother had settled the property in his favour and the joint patta was issued in favour of the petitioner by the Zonal Deputy Tahsildar. The petitioner required financial assistance for running his business and when he had approached the bank for granting loan, he was informed that he must get the property sub-divided and separate patta granted in his favour. Therefore, he had approached the second respondent on 17.09.2019, for which, there was no response. Once again, he had submitted a petition on 11.10.2019 reiterating the request of sub-division and grant of patta. This was followed by remainders dated 11.11.2019 and 18.12.2019 and to date, the respondents have not taken any steps in this regard. Therefore, the petitioner has come forward with the above petition.

4. Considering the fact that the earlier proceedings had ended in favour of the petitioner's predecessor in title and there is no challenge to the same, the title of the petitioner's predecessor in title has attained finality and the sale deed executed in favour of the petitioner is



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unchallenged and therefore, there is no impediment for the respondents to carry out the sub-division and to grant patta in favour of the petitioner when admittedly there is no rival claim.

5.The learned Government Advocate for the respondents would also admit that they have not received any rival claim.

6. In these circumstances, the respondents are directed to effect sub-division and grant separate patta for the land in Survey No.93/2A3 situated at Thiruchitrambalam East Village, Pattukottai Taluk, Thanjavur District, in favour of the petitioner, within a period of one month from the date of receipt of a copy of this order. This Writ Petition is allowed accordingly. No costs.

09.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

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P.T.ASHA, J.

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