



W.P.(MD) No.1789 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.1789 of 2020

Karuppan

.. Petitioner

Vs.

The Tahsildar,
Dindigul West Taluk,
Dindigul District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 13.01.2020 to sub-divide the land in S.No.44/2 of Seelpadi Village, Dindigul West Taluk, Dindigul District as per the final decree dated 29.10.2018 in IA.214 of 2007 in O.S.No.689 of 2000 on the file of the Additional District Munsif's Court, Dindigul and grant separate patta.

For Petitioner : Mr.Raguvaran Gopalan



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For Respondent : Mr.T.Amjadkhan
Government Advocate

ORDER

In the light of the final decree being passed in favour of the petitioner in I.A.No.214 of 2007 in O.S.No.689 of 2000 by the Additional District Munsif, Dindigul on 29.10.2018, the petitioner had requested the respondent to subdivide the land in S.No.44/2, Seelpadi Village, Dindigul, and to grant him a separate patta. Though the petitioner had made an application immediately after the passing of the final decree, there was no positive response from the respondent and therefore, he had sent a representation on 13.01.2020 seeking subdivision of the land in S.No.44/2 of Seelpadi Village, Dindigul, as per the final decree. The respondent has not come forward to effect subdivision. Therefore, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.



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3. Considering the fact that the petitioner's right to the property in question has been confirmed in a final decree proceedings, which has not been challenged to date, there is no impediment for the respondent to subdivide the land and grant patta in tune with the decree in I.A.No.214 of 2007 in O.S.No.689 of 2000.

4. The learned Government Advocate pleaded that they are unaware as to whether there is any further appeal in the matter.

5. The learned counsel for the petitioner submitted that the first appeal and the second appeal which have been filed by the contesting respondent have also been dismissed as withdrawn.

6. In view of the above, this Writ Petition is allowed directing the petitioner to provide an affidavit stating that the final decree has attained finality along with the other documents by making an application afresh. On receipt of the affidavit, application and documents, the respondent



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shall subdivide the property and grant patta to the petitioner within a period of eight weeks from the date on which the petitioner submits his application. No costs.

09.03.2023

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

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To

The Tahsildar,
Dindigul West Taluk,
Dindigul District.



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P.T.ASHA, J.

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