



W.P.(MD) No.12213 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.12213 of 2020

A.Kaveri Thevar

.. Petitioner

Vs.

1.The Tahsildar,
Kallikudi Taluk,
Thirumangalam,
Madurai District.

2.Bagavathi Thevar

.. Respondents

*[R2 impleaded vide order dated 08.12.2020 in W.M.P.
(MD) No.11002 of 2020 in W.P.(MD) No.12213 of 2020]*

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to consider the representation of the petitioner dated 09.07.2020 vide application No. 2020/0105/24/213265 and to issue Patta in favour of the petitioner after effecting sub division upon the property in Survey No.10/3 of Chinna Ulagani Vvillage, Tirumangalam Taluk, Madurai District to an extent of 22.5 cents from the larger total extent of 45 cents.

For Petitioner : Mr.C.M.Arumugam



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For R1 : Mr.A.Sivanupandian
Government Advocate

For R2 : Mr.K.Neethimohan

ORDER

This writ petition is filed for the following relief:

“For the issue of a Writ of Mandamus to consider the representation of the petitioner dated 09.07.2020 vide application No.2020/0105/24/213265 and to issue Patta in favour of the petitioner after effecting sub division upon the property in Survey No. 10/3 of Chinna Ulagani Village, Tirumangalam Taluk, Madurai District, to an extent of 22.5 cents from the larger total extent of 45 cents.”

2. It is the case of the petitioner that he had purchased a property in R.S.No.10/3 of Chinna Ulagani Village, Thirumangalam Taluk, Madurai District, to an extent of 22.5 cents on the eastern side from and out of a total extent of 45 cents. Thereafter, the second respondent had purchased the remaining 22.5 cents on the western side on 26.05.2000. The second respondent, however, obtained an order from the first respondent as if the petitioner purchased the property on the southern side. Therefore, the



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petitioner filed an appeal before the Revenue Divisional Officer, Usilampatti, against the said order. By an order dated 28.01.2002, the appellate authority cancelled the order of sub division passed by the first respondent and had directed joint patta to be issued in the name of the petitioner as well as the second respondent. As against this order, the second respondent had preferred a revision before the District Revenue Officer, Madurai, and the District Revenue Officer had dismissed the said revision. Pursuant to this dismissal, the second respondent had filed a suit in O.S.No.245 of 2005 on the file of the District Munsif, Thirumangalam, for a permanent injunction against the petitioner herein. After a contested trial, the suit was dismissed on 17.02.2017 against which an appeal in A.S.No.52 of 2018 had been preferred by the second respondent, which was also dismissed after enquiry on 16.10.2019 by the Subordinate Judge, Thirumangalam.

3. As a result of these proceedings, the petitioner's right to the eastern extent of 22.5 cents in R.S.No.10/3 stood confirmed. The petitioner thereafter, applied to the first respondent on 09.07.2020 for a



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subdivision of the lands and for grant of a separate patta in his name.

The petitioner had forwarded the application with all attendant documents and requisite fees on 09.07.2020. However, to date, no steps have been initiated by the first respondent, constraining the petitioner to approach this Court.

4. Heard the learned counsel on either side.

5. It is not known as to why the first respondent should hesitate to take up the application and pass orders, particularly when all proceedings both on the revenue side as well as on the legal side have established the petitioner's right to 22.5 cents in the eastern side of R.S.No.10/3 in Chinna Ulagani Village, Thirumangalam Taluk. Though three years have passed since the filing of the application, the first respondent has not moved a little finger to consider the same.

6. In the light of the above, directions are issued to the first respondent to consider the above orders passed by the Revenue



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Divisional Officer, Usilampatti; District Revenue Officer, Madurai; as well as the District Munsif, Thirumangalam; and Subordinate Judge, Thirumangalam, and pass orders within a period of three weeks from the date of receipt of a copy of this order for the subdivision and grant of patta to the petitioner.

7. With the above observations and directions, this Writ Petition is disposed of. No costs.

12.06.2023

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

abr

To

The Tahsildar,
Kallikudi Taluk,
Thirumangalam,
Madurai District.



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P.T.ASHA, J.

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