



W.P(MD)No.27279 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27279 of 2023

and

W.M.P.(MD)No.23407 of 2023

C.Vishwakumar

... Petitioner

Vs.

1.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

2.The Zonal Deputy Tahsildar,
Thovalai Taluk,
Kanyakumari District.

3.A.P.Iniko Raj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 2nd respondent in File No. 2023/0103/30/ 603691 dated 19.09.2023 and quash the same and consequently direct the 1st respondent to consider the petitioner's representations dated 19.09.2023 and 30.10.2023 and pass appropriate orders for sub-division of 1.45 Acres from S.No.394/2A on the basis of the registered sale deed dated 27.06.2023.



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For Petitioner : Mr.H.Arumugam

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 & R2

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ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 & R2. Issuance of notice to R3 is dispensed with.

2. The third respondent sold 1 acre 45 cents in the petition mentioned survey number in favour of the petitioner vide sale deed dated 27.06.2023. The total extent of the land in the said survey number is 1 acre and 50 cents. The vendor namely third respondent herein had retained 5 cents of land. But then, while effecting mutation, change was effected in respect of the entire 1 acre and 50 cents. The only request made by the petitioner was for subdividing the extent of land purchased by him. This request was rejected by the impugned memorandum. Challenging the same, the present writ petition came to be filed.

3. It is too obvious that rejection was made mechanically. When the total extent of land in the petition mentioned survey number is 1 acre and 50 cents and when the vendor alienated 1 acre and 45 cents in favour of the petitioner, mutation of patta could not have been made for the entire extent. Therefore, in



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this view of the matter, the impugned memorandum is set aside. The matter is remitted to the file of the second respondent. The second respondent shall pass an appropriate order on the petitioner's application. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

16.11.2023

Index : Yes / No

Internet : Yes/ No

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To

1.The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

2.The Zonal Deputy Tahsildar,
Thovalai Taluk,
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