



W.P(MD)No.28457 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28457 of 2023

U.Azhaguraja @ Azhagu

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Gandhi Nagar,
Madurai-625 020.

2.The District Revenue Officer,
Madurai District,
Collector Office Campus,
Gandhi Nagar,
Madurai-625 020.

3.The Revenue Divisional Officer,
Melur Revenue Divisional Office,
Melur Division,
Having an office at Narasingampatti,
Madurai District.

4.The Tahsildar,
Tahsildar Office Campus,
Melur Taluk,
Madurai District.

... 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 related to the impugned proceedings of the RDO in O.Mu.No.



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8449/2022/A1 dated 31.01.2023 and in O.Mu.No.3368/2023/A1 dated 26.05.2023 and quash the same and consequently direct the respondents to carry out sub-divisions in respect of 81 cents of land in Survey No.236, Yettimangalam Village, Melur Taluk, Madurai District and issue separate patta in the name of the petitioner for the said land pursuant to the petitioners purchase of the said land vide registered sale deed bearing Document No.2390 of 2000 dated 05.09.2000 and correspondingly mutate all the revenue records.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.S.Ra.Ramachandran
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. The petitioner is said to be a poor farmer eking out his livelihood from out of the petition mentioned 81 cents of agricultural land in Survey No.236, Yettimangalam Village, Melur Taluk. The petitioner applied to the fourth respondent for issuance of separate patta in his name. The petitioner's request was negated on two grounds:-

(I) The title deed on which the petitioner is placing reliance is in the name of one Azhagu, whereas the petitioner is referred to in the records as Azhaguraja.



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(II) The other reason is that tracing of title is not complete.

Challenging the said order dated 31.01.2023 passed by the Revenue Divisional Officer, Melur, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The learned Additional Government Pleader appearing for the respondents submit that the impugned order is well reasoned and that it does not warrant interference. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record. In the typed set of papers, the petitioner has enclosed the copy of the sale deed dated 05.09.2000 registered as Document No.2390/2000 on the file of SRO, Melur. It has been executed by one Soundaram W/o.Sundararaman. The recitals of the said document are to the effect that it was purchased by one Sundararajan Iyyengar from one Ponnammal @ Alagammai Achi. The said Sundarrajan Iyyengar is said to be the grand-father of Sundararaman husband of Soundaram. The learned Additional Government



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Pleader made available the extract from 'A' register for Yettimangalam Village.

Survey No.236 stands in the name Ponnammal @ Alagammai Achi and Sundararajan. The said survey number measures total extent of 3 acres and 48 cents. The petitioner is staking claim only on 81 cents of land.

6. The petitioner categorically asserts that he is physically cultivating the petition mentioned 81 cents of land. This aspect of the matter is beyond dispute. Therefore, the ground that there was some discrepancy in the name of the sale deed dated 05.09.2000 need not be put against the petitioner. The petitioner states that though his name is found as Azhaguraja in the record, he is also called as Azhagu. It so happened that when the sale deed was drafted, his name was mentioned as Azhagu. It does not go to the root of the matter. It is too minor a discrepancy which can be safely ignored. The petitioner has also traced his title and the name of the predecessor-in-title of the petitioner's vendor is very much reflected in the 'A register'. There is also no rival claim.

7. In this view of the matter, the order impugned in the writ petition is set aside. Instead of remitting the matter to the Revenue Divisional Officer, I remit the matter to the file of the fourth respondent. The fourth respondent will issue notice to all the other pattadhars. Endeavour shall be made to find out if a



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proper sub-divisioning can be made and separate patta can be issued.

If contentious dispute arises, the petitioner will be entitled to only joint patta.

The parties will have to go before the jurisdictional civil Court for partition and division by meets and bounds of the individual rights. The jurisdictional Tahsildar can also bear in mind the mandate set out in RSO 31(13)(iii).

31(13)(iii) Sub Division and Separate Registry of Joint Holdings:- Sub Division and separate registry of a joint holding may be effected at the instance of any one of the joint holders of a ryotwari holding or the persons to whom the whole or part of his share has been transferred, provided the shares are marked on the ground by well-defined boundaries. The consent of the other joint holders is not necessary.

8. The Writ Petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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