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W.P.No.1806 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.08.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.1806 of 2018 and

W.M.P.No.2226 of 2018

K.C.Palanisamy

...Petitioner

Vs.

1.Sub-Registrar

Office of the Sub-Registrar
Avinashi.

2.Deputy Tahsildar

Revenue Department
Office of the Tahsildar
Tiruppor (32)
Avinashi (02)

3.Village Administrative Officer

Revenue Department
Office of the Tahsildar
Tiruppor (32)
Avinashi (02)

4.Tahsildar

Revenue Department
Office of the Tahsildar
Tiruppor (32)
Avinashi (02)

..Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, praying to quash the order passed in Notes No.2017/ 0103/32/070618 dated 04.07.2017 on the file of the second respondent thereby direct the respondents 2 to 4 to issue separate patta to the petitioner for lands in Survey No.652/1B, 652/2A measuring to an extent of acre 1.55 and survey No.652/1D measuring to an extent of acre 0.77 situated at Ettiveerapalayam Village, Tirupur Taluk, Avinasi District.

For Petitioner : Mr.M.Sunil Kumar

For Respondent 1 : Mr.T.Chezhiyan
Additional Government Pleader

For respondents 2 to 4 : Mr.U.Baranidharan
Additional Government Pleader

ORDER

The petitioner herein challenged the order passed by the 2nd respondent rejecting the petition filed by him seeking sub-division of the survey number and issuance of separate patta in respect of his lands situated in Survey Nos. 652/1B, 652/2A and 652/1D, Ettiveerapalayam Village, Avinasi Taluk, Tirupur District.

2. According to the petitioner, he is entitled to 1.55 acres of land in Survey No. 652/1A and 0.77 acres in Survey No.652/1D by virtue of registered sale deed executed by Civil Court in pursuance of decree for specific



performance granted in O.S.No.672 of 2001. The sale deed was registered as Document No.2930/2007 on the file of Sub-Registrar, Avinashi. Later on, the petitioner executed settlement deed in respect of the above said lands on 13.03.2017 in favour of his son and presented the same for registration. The Registering Authority refused to register the same on the ground that patta for the properties stands in the name of several persons. Therefore, the petitioner submitted the representation before the 2nd respondent seeking issuance of separate patta for his property. The said request of the petitioner was rejected by the 2nd respondent on the ground that Village Administrative Officer has not recommended for issuance of separate patta and sub-division. The learned counsel for the petitioner vehemently contended that when the petitioner claims right over the property under the sale deed executed by the Court and seeks sub-division of the earlier survey numbers and issue of separate patta in respect of the property covered by the sale deed, the 2nd respondent ought not to have rejected his request simply on the ground that VAO has not recommended for issuance of separate patta.



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3. The learned Additional Government Pleader, who takes notice for the respondents 2 to 4, on instructions, submitted that at the time of applying for separate patta, the petitioner erroneously failed to mention in his online application that he sought for sub-division of the survey number. Therefore, the request of the petitioner for sub-division and issue of separate patta was not considered.

4. In view of the specific stand taken by the learned Additional Government Pleader appearing for the respondents 2 to 4 that the request of the petitioner for issue of separate patta was not considered in view of his failure to apply for sub-division of the survey number, this Court is inclined to direct the petitioner to make fresh application to 2nd respondent seeking sub-division of the survey number and issue of separate patta for the property covered by his sale deed. If any such application is filed by the petitioner, the same shall be considered and final orders shall be passed on merits within a period of four weeks from the date of receipt of application from the petitioner.



W.P.No.1806 of 2013

5. With the above directions, this writ petition is disposed of.

Consequently, the connected miscellaneous petition is closed. No costs.

14.08.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

1.Sub-Registrar

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Avinashi.

2.Deputy Tahsildar

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Revenue Department
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S.SOUNTHAR, J.
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