



W.P.No.33974 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 33974 of 2024
&
W.M.P.No. 36809 of 2024

1.R.Siva

2.Jaya

...Petitioners

Vs.

1.The District Collector
Tiruppur District

2.The Tahsildar
Uthukkuli 638 751.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondents to consider the representation dated 06.05.2023 for Sub Division Patta Transfer vide Can No



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133320911941342 in Application No. 2023 / 0105 / 32 / 289441 and
Can No.1333080123217259 in Application No. 2023 / 0105 / 32 /
289440.

For Petitioner : Mr. G.Saravanakumar
For Respondents : Mr. P.Sathish
1 & 2 Additional Government Pleader.

ORDER

The petitioners seeks mandamus to the respondents to consider their representation dated 06.05.2023 seeking to subdivide the property and grant patta.

2. The brief facts as set out in the affidavit filed in support of the Writ Petition is that the 1st petitioner had purchased the property measuring 0.49.5 hectares comprised in R.S.No.16/10, Hiruvachi Village, Perunthurai, Erode District, in the form of housing plots for a total sale consideration of Rs.58,95,000/- from one Muthulakshmi



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represented by her power agent, Maruthian.

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3. It is the case of the petitioner that the said Muthulakshmi had executed a registered sale deed dated 11.03.2022 in favour of the 1st petitioner and his partner Boopalan. Thereafter, the 1st petitioner had executed a sale deed in favour of the 2nd petitioner on 20.02.2023 to an extent of 80 cents in S.No.37/1A1, A1, 37/2 and the remaining extent of 21 cents continues to remain with the 1st petitioner.

4. The property has not been subdivided and the patta issued to the 1st and the 2nd petitioners. It appears that an online application was made on 06.05.2023 by the petitioners. However, there has been no response from the side of the respondents. Therefore aggrieved the petitioners are before this Court.

5. Heard the learned counsels on the either side and perused the records.



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6. It is seen that though an application for subdivision and patta transfer had been made as early as on 06.05.2023, the 2nd respondent have not called upon the petitioners to appear for enquiry and submit their documents to enable the survey and transfer of patta.

7. Therefore, mandamus is issued to the 2nd respondent to consider the application made by the petitioners online on 06.05.2023, hold enquiry, after issuing notice to the petitioners and giving them personal hearing, proceed to survey and grant of patta. In case of a rejection, speaking order shall be passed. The said exercise shall be completed within a period of 12 weeks, from the date of receipt of a copy of this order.

8. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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