



WEB COPY



WP.No.35534 of 2024

In the High Court of Judicature at Madras

Dated : 02.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35534 of 2024

Mr.Manjunath

...Petitioner

Vs

The Tahsildar, Shoolagiri.
Krishnagiri District-635117.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to issue separate patta for the property comprised in S.No.285/1 measuring an extent of 30 cents situated at Thiyanadurgam Village, Shoolagiri Taluk, Krishnagiri District by considering his application for subdivision patta transfer dated 01.10.2024 and the consequential representation dated 09.10.2024 within a stipulated period as fixed by this Court.

For Petitioner : Mr.M.Mohamed Riyaz
For Respondent : Mr.G.Velu, AGP

ORDER



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The petitioner seeks a Mandamus to the respondent to consider his online application dated 01.10.2024 and the representation dated 09.10.2024 for the issuance of a separate patta in respect of the property measuring 30 cents in S.No. 285/1, Thiyanadurgam Vilage, Shoolagiri Taluk, Krishnagiri District.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondent.

3. The case of the petitioner is as follows :

(i) The property in S.No.285/1 situated at Thiyanadurgam Vilage, Shoolagiri Taluk, Krishnagiri District measuring an extent 53 1/2 cents original belonged to his mother - one Mrs.Akkiyamma (a) Muniyamma. The said property was her ancestral property. This is confirmed in a suit for declaration instituted by the petitioner, his mother and his brother by obtaining a judgment and decree dated 08.9.2010 in O.S.No.75 of 2002 on the file of the District Munsif Court, Hosur in their favour. Thereafter, patta was also issued in the name of the petitioner's mother.

(ii) Further, on 14.2.2022, a partition was entered into between the petitioner, his brother and his mother and it was registered as doc.No.609 of 2022 on the file of the Sub-Registrar, Rayakottai.



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Under the said partition deed, out of 53 1/2 cents, an extent of 30 cents in S.No.285/1 was allotted to the petitioner and it has been described as C Schedule in the said partition deed. The petitioner's mother died on 28.1.2023.

(iii) Though the partition was effected, the patta in respect of the property allotted to the petitioner under the partition deed stands in the name of the petitioner's mother. Therefore, the petitioner made an online application on 01.10.2024 to the respondent for the grant of a separate patta. Since there was no response, a representation was given to the respondent on 09.10.2024. Since the said application remains without any order being passed, the writ petition has been filed.

4. The aforesaid narration of facts would indicate that pursuant to the decree passed by the civil court, a partition was effected among the petitioner, his mother and his brother. Therefore, based on the partition deed, the online application dated 01.10.2024 has been made in respect of the property, which fell to his share. But, the petitioner is yet to receive a notice of inquiry from the respondent.

5. Since the respondent failed to exercise his statutory duty, the writ petition is allowed and a Mandamus is issued to the



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respondent to consider the online application of the petitioner dated 01.10.2024 for the issue of a separate patta in respect of S.No.285/1 measuring 30 cents at Thiyanadurgam Vilage, Shoolagiri Taluk, Krishnagiri District and pass necessary orders within a period of three months from the date of receipt of a copy of this order. No costs.

02.12.2024

To
The Tahsildar, Shoolagiri.
Krishnagiri District-635117.

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P.T.ASHA,J

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