



W.P.No.37314 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.37314 of 2024
and W.M.P.No.40327 of 2024

D.Samu

...Petitioner

Vs

1.The Tahsildar,
Natrampalli,
Tirupattur District.

2.The Taluk Surveyor,
Mallagunda,
Office of the Tahsildar,
Natrampalli,
Tirupattur District.

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in File No.2024/0105/36/364105 dated 14.10.2024 on the file of the first respondent herein and to quash the same and directing the respondents to measure for effecting sub division and issue separate patta in the name of the petitioner pertaining to her agricultural land to an extent of 1.06.93 Hectares in S.No.194/2B situated in



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Mallagunda village, Natrampalli Sub District and Taluk in Tirupattur District within a time frame as may be fixed by this Court.

For Petitioner : Mr.Elizabeth Ravi

For Respondents : Mr.M.R.Gokul Krishna
Additional Government Pleader
(For R1 and R2)

ORDER

The petitioner has approached this Court seeking a mandamus to quash the order dated 14.10.2024 passed by the first respondent and to direct the respondents to measure the land for effecting sub division and issue separate patta in the name of the petitioner pertaining to agricultural land to measuring an extent of 1.06.93 Hectares in S.No.194/2B situated in Mallagunda village, Natrampalli Sub District and Taluk, Tirupattur District.

2.The petitioner's contention is that he is the owner of the subject property along with a larger extent of land belonging to one Durai as his ancestral property, who is the father of the petitioner. Under UDR scheme, his father was allotted patta No.784 along with one Kasiammal and Ponnusamy who had purchased the remaining



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portion of the land belonging to the petitioner's father on 29.10.2021. The petitioner's father executed a registered settlement deed in his favour in respect of 1.25.35 hectares. However, patta was not transferred in his name. The petitioner in turn had executed a settlement deed dated 16.06.2022 in favour of his sister G.Selvi to an extent of 45 ½ cents equivalent to 0.18.42 hectares and put her in possession. The remaining extent of land that is 1.06.93 hectares remained in the petitioner's possession. Patta jointly stood in the name of petitioner's father and his purchaser. Therefore, the petitioner and his sister had applied online for effecting the subdivision and seeking transfer of patta. The application was filed on 23.09.2024 and 24.09.2024. The same has been rejected without assigning any reasons. Therefore, the petitioner is before this Court.

3. Without traversing into the merits of the case, mere perusal of the impugned orders would clearly demonstrated the total non-application of mind on the part of the respondents as well as the fact that principles of natural justice has been go-by. The reason for the rejection in respect of application dated 23.09.2024 and 24.09.2024,



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is given simply as rejected and on 10.10.2024, the reason for the rejection is field is under crop cultivation. Therefore, considering this non-speaking one line order, the impugned order in File No.2024/0105/36/364105 dated 14.10.2024 is set aside and the matter is remitted back to the first respondent for considering the online application of the petitioner after affording personal hearing to the petitioner and thereafter pass speaking orders in case of rejection. The aforesaid exercise shall be completed within a period of three months from the date of receipt of copy of this order.

4.Accordingly, the Writ Petition is allowed. No costs.
Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

1.The Tahsildar,
Natrampalli,
Tirupattur District.



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2.The Taluk Surveyor,
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P.T.ASHA, J,

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