



WP(MD)No.1579 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.1579 of 2024
and WMP(MD)No.1570 of 2024

Deenathayalapandian

...Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Dindigul District,
Dindigul

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District,
Dindigul.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the third respondent to sub-divide the land to an extent of 0.75 cents comprised in S.No.762/1A1A, Vilpatty Village, Kodaikanal Taluk, Dindigul District and transfer the patta in the name of the petitioner qua the said land on the strength of the sale deed dated 10.06.2005 executed in favour of the petitioner registered as Doc.No.544 of 2005 on the file of the Sub-Registrar, Kodaikanal within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel

For R1 to R3 : Mr.A.Kannan
Additional Government Pleader



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ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the third respondent to sub-divide the land to an extent of 0.75 cents comprised in S.No.762/1A1A, Vilpatty Village, Kodaikanal Taluk, Dindigul District and transfer the patta in the name of the petitioner qua the said land on the strength of the sale deed dated 10.06.2005 executed in favour of the petitioner registered as Doc.No.544 of 2005 on the file of the Sub-Registrar, Kodaikanal within the period that may be stipulated by this Court.

2. With consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. One S.Abbas originally owned the property in S.No.762, Vilpatty Village, Kodaikanal Taluk, Dindigul District, to an extent of 0.81.5 hectare and was issued patta in Doc.No.3581. The said Abbas executed a sale deed dated 06.04.1995, in Doc.NO.801/1995 in favour of the petitioner's vendor one M.Saritha. The said Saritha executed a power of attorney in favour of one M/s.Samyuktha Foundations Private Limited



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vide registered power deed dated 17.04.1995. The petitioner purchased the land to an extent of 0.75 cents in S.No.762/1A1A vide a registered sale deed dated 10.06.2005 from Samyukta Foundation Pvt Limited. In spite of repeated applications of the petitioner for transfer of patta , no orders were passed and so the petitioner preferred an online application dated 20.12.2023, to the third respondent to sub divide and transfer patta for the subject land in his favour. Since the third respondent did not pass any orders on the petitioner's application, the petitioner filed the above Writ Petition for the aforesaid relief.

4. The learned Senior Counsel appearing for the petitioner submits that though the prayer in the Writ Petition is for a mandamus to subdivide the land and transfer patta in the name of the petitioner, the prayer is restricted to transfer of patta alone as it appears that subdivision has already been made and the land was subdivided as Survey No. 762/1A1A. The learned Senior counsel further submitted that the petitioner was issued with patta on the strength of the sale deed dated 10.06.2005, executed in his name in Doc.No.544/2005 on the file of the Sub Registrar, Kodaikanal. The learned Senior Counsel also submits that the predecessor in title, one Abbas, was issued with patta No.3581 and



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therefore, based on the petitioner's title document and also the patta issued to his predecessor in title, the respondents were bound to issue patta to the petitioner on the basis of his application dated 20.12.2023. The learned Senior Counsel submitted that the respondents may be directed to issue patta to the petitioner within the time frame fixed by this Court.

5. It is seen that the petitioner submitted an application as early as on 20.12.2023 for transfer of patta and till date, the petitioner's application has not been considered by the respondents. The learned Additional Government Pleader is not able to explain the cause for the delay of one year in processing the application.

6. In view of the fact that the petitioner's application is kept pending for over a year, a direction is issued to the third respondent to consider the petitioner's application by following the procedure contemplated under the Patta Passbook Act and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



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7. In the result, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

20.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To,
1.The District Collector,
O/o. The District Collector,
Dindigul District,
Dindigul

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District,
Dindigul.



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N.MALA,J.

CM

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