



W.P.(MD) No.23751 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23751 of 2024

1.Seeni Selvam

2.Suleka Beevi

.. Petitioners

Vs.

1.The Sub Collector,
O/o the Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
O/o the Tahsildar,
Muthukulathur,
Ramanathapuram District.

3.Sultan Beevi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd respondent to conclude the enquiry in connection with Na.Ka.No.A4/2079/2023 so as to issue the sub division patta in connection with Survey No.92/2 situated at Keela Muthukulathur, Ramanathapuram district within time frame as fixed this Court.



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For Petitioners : Mr.D.S.Haroon Rasheed
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Aggrieved by the fact that their application for granting patta filed before the 1st respondent in the year 2022, for which an enquiry was held on 01.04.2023 and no further orders had been passed, the petitioner seeks a mandamus directing the 2nd respondent to conclude the enquiry and to issue the subdivision patta to them.

2. It is the case that the property measuring an extent of 0.28.50 ares comprised in Survey No.92/2 of Keela Muthukulathur Village, Ramanathapuram District originally belonged to three persons, namely Kadar Bath, Katchi Path and Syed Ammal and the revenue records stood in their names. After the demise of the aforesaid persons, the properties devolved on their legal representatives who were entitled to a 1/3rd share each. On 27.07.2020, the said Kadar Bath had executed a gift settlement in favour of her daughters, namely the 3rd respondent and one Sikkandar



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Ammal under a registered document bearing no.603/2000. Based on this gift settlement, the 2nd respondent had issued a patta by subdividing the survey number as Survey No.92/2b to an extent of 0.09.35 ares. After obtaining patta, the 3rd respondent occupied the entire portion and did not grant ingress or egress to the petitioners. The patta was granted even without hearing the other legal representatives. Therefore, an application was made to the 1st respondent to cancel the said patta which is also cancelled and the 1st respondent had directed the officials to restore the old patta standing in the name of all the three owners, namely Kadar Bath, Katchi Path and Syed Ammal by an order, dated 25.03.2023. Pursuant to this order, the 2nd respondent had held an enquiry and directed both the petitioner as well as the 3rd respondent to appear before him on 01.04.2023. The parties had appeared and submitted the records, but the 2nd respondent has not concluded the enquiry. Therefore, the present writ petition.

3. Taking into consideration the fact that the patta has been cancelled by the 1st respondent with a specific direction that the patta be



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restored to the original position vide his proceedings, dated 25.03.2023 and the 2nd respondent not having concluded the enquiry, the 2nd respondent has failed to perform the duty cast upon him, a mandamus is issued to the 2nd respondent to conclude the enquiry and pass orders within a period of six (6) weeks from the date of receipt of copy of this order.

4. With the above observations, this Writ Petition stands allowed.

No costs.

04.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Sub Collector,
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Ramanathapuram District.

2.The Tahsildar,
O/o the Tahsildar,
Muthukulathur, Ramanathapuram District.



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P.T.ASHA, J.

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