



W.P.(MD)No.27563 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P.(MD)No.27563 of 2024**

1.Prabakaran

2.Bastin

... Petitioners

Vs.

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The Thasildar,  
Dindigul East Taluk,  
Dindigul District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to subdivide the property in Plot No.31 to an extent of 2400 square feet comprised in S.No.758/2 at Balakrishnapuram Village, Dindigul East Taluk, Dindigul District and issue separate patta in favour of the petitioners based on their representation, dated 13.03.2024 in accordance with law within time limit as prescribed by this Court.



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For Petitioners : Mr.G.Chezhiyan

For Respondents : Mr.A.Kannan  
Additional Government Pleader

### **ORDER**

This writ petition has been filed for a direction to the second respondent to subdivide the property in Plot No.31 to an extent of 2400 square feet in S.No. 758/2 at Balakrishnapuram Village, Dindigul East Taluk, Dindigul District and to issue separate patta in favour of the petitioners by considering their representation, dated 13.03.2024.

2. The petitioners stated that Plot No.31 to an extent of 2400 square feet in S.No.758/2 at Balakrishnapuram Village, Dindigul East Taluk, Dindigul District originally belonged to one Malathi and the petitioners purchased the same under sale deed, dated 04.12.2024 from the said Malathi. The petitioners thereafter purchased 1200 square feet in the aforesaid plot by way of registered sale deed, dated 10.11.2023. In pursuance of the sale deeds, the petitioners applied for survey and fixing the boundary for their lands as per the above sale deeds. Thereafter, in December 2023, the petitioners applied for sub division of the said survey number and for issuance of separate patta. On receipt of the said application, the second respondent through SMS rejected the application. The



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petitioners therefore gave a detailed explanation on 13.03.2024 along with necessary documents and thereafter, the second respondent came forward with an explanation that the petitioners had to rectify the mistake in the petitioners' vendors patta. The petitioners therefore filed the above writ petition for the aforesaid relief.

3. The learned Additional Government Pleader for the respondents submitted that under Section 10 of the Tamil Nadu Patta Passbook Act, the petitioners ought to have sought for modification of patta first and thereafter, for sub division. He further submitted that the writ petition should not be entertained as the petitioners have not taken any steps to modify the patta already issued.

4. The learned counsel for the petitioners submitted that the petitioners are ready to file an application for modification of patta and therefore, a direction may be issued to the respondents to consider the petitioners' application for modification of patta within a reasonable time fixed by this Court. The learned counsel for the petitioner further submitted that in view of the submission of the learned Additional Government Pleader for the respondents, the prayer for subdivision is not pressed.



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5. Heard both sides and perused the materials placed on record.

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6. In the light of the aforesaid facts, a direction is issued to the petitioners to file an application for modification of patta under Section 10 of Tamil Nadu Patta Passbook Act, to the second respondent within a period of 2 weeks from the date of receipt of a copy of this order. On receipt of such application, the second respondent shall consider the same and pass orders on merits and in accordance with law within a period of 8 weeks thereafter.

7. Accordingly, the writ petition stands disposed of. No costs.

**19.11.2024**

NCC:yes/no  
Index:yes/no  
Internet:yes/no  
SN

**To:**

- 1.The District Collector,  
Dindigul District,  
Dindigul.
- 2.The Thasildar,  
Dindigul East Taluk,  
Dindigul District.



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**N.MALA, J.**

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