



W.P.(MD) No.21570 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21570 of 2017
and
W.M.P(MD).No.17840 of 2017

Sumsudeen

.. Petitioner

Vs.

1.The District Revenue Officer,
Pudukottai,
Pudukottai District.

2.The Revenue Divisional Officer,
Pudukottai
Pudukottai District.

3.The Tahsildar,
Pudukottai Taluk,
Pudukottai District.

4.Tmt.Rajeswari
5.Mr.Vasudevan

.. Respondents

Prayer:Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating with the order of the 1st respondent made in Na.Ka.



W.P.(MD) No.21570 of 2017

34843/10/D3 dated 29.07.2016 and the quash the same as it is arbitrary and illegal and in consequence directing the respondents 1 to 3 to subdivided the property in Survey No.61/1, situated in Kuppaiyanpatti Village, Pudukottai Taluk, Pudukottai District, based on the sale deed of the petitioner dated 31.12.2009 bearing registration No.1697/2009 on the file of the Sub-Registrar Office, Perungalur, Pudukottai District and issue separate patta to the petitioner.

For Petitioner	:	Mr.Mohamed Zamil. For M/s.Ajmal Associates
For R1 to R3	:	Mr.B.Saravanan Additional Government Pleader
For R4&R5	:	Mr.Vidhya Maheswaran

ORDER

This writ petition is filed challenging the order of the first respondent made in Na.Ka.34843/10/D3 dated 29.07.2016 and the quash the same and in consequence directing the respondents 1 to 3 to subdivide the property in Survey No.61/1, situated in Kuppaiyanpatti Village, Pudukottai Taluk, Pudukottai District, based on the sale deed of the petitioner, dated 31.12.2009 bearing registration No.1697/2009 on the file of the Sub-Registrar Office, Perungalur, Pudukottai District and issue separate patta to the petitioner.



W.P.(MD) No.21570 of 2017

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2.It is the case of the petitioner that the property comprised in S.No.61/1 measuring an extent of 1 acre 60 cents situated in Kuppaiyanpatti Village, Pudukottai Taluk, Pudukottai District, originally belonged to one Palaniappan, who in turn sold the said property to an extent of 35 cents, out of 1 acre 60 cents, to one Chinappa in the year 1974 and to an extent of 22 cents to the petitioner in the year 2009. The said Chinnappa sold the property to the fourth respondent, but the sale deed wrongly mentioned the extent as 45 instead of 35. While the sale deed of the said Palaniappan, the vendor of the third respondent thereafter erroneously subdivided the subject property as S.Nos.61/1, 61/2 and 61/3. The S.No. 61/1 was allotted to the fifth respondent, who had no title deed. S.No.61/2 was allotted to the vendor of the fourth respondent, in which, 45 cents mentioned more than of the sale deed and the remaining property was subdivided as S.No.61/3 and the same was allotted in the name of Palaniappan. The petitioner's name however was not mutated in the revenue records. Therefore, the petitioner was not granted a separate patta, on the contrary, his name has been included as joint pattadhar along with Palaniappan in respect of the S.No.61/3. Aggrieved by the same, the petitioner is before this Court.



W.P.(MD) No.21570 of 2017

3.Heard the learned counsel appearing on either side.

4.A mere perusal of the order would indicate that the first respondent was conscious of the fact that the property in S.No.61/1 had been wrongly subdivided and the name of R.Vasudevan Malzavarar has been included in the same. He has also taken note of the fact that the petitioner has purchased an extent of 0.09.0 ares equivalent to 22 cents. However, ultimately he has granted him patta jointly with that of Palaniappan. The said Palaniappan had sold 35 cents to Chinnappa and 22 cents to the petitioner, thereby retaining an extent of 93 cents. The said Palaniappan has sold 22 cents to the petitioner within four boundaries and the northern boundary has been clearly described as 35 cents to the said Chinappa, the vendor of the fourth respondent. There is no document to show that the fifth respondent has purchased the property, which is evident from the paragraph Nos.4 & 5 of the observation of the first respondent's order. Therefore, the first respondent has not taken into consideration these material facts before passing the impugned order. Therefore, the impugned order dated 29.07.2016 made in Na.Ka.34843/10/D3 passed by the first respondent is set aside. The



W.P.(MD) No.21570 of 2017

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writ petition is allowed with a direction to the first respondent, taking into consideration the sale deed executed by the original owner Palaniappan and pass orders by granting patta to the petitioner for an extent of 22 cents. No costs. Consequently, connected miscellaneous petition is also closed.

30.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The District Revenue Officer,
Pudukottai,
Pudukottai District.

2.The Revenue Divisional Officer,
Pudukottai
Pudukottai District.

3.The Tahsildar,
Pudukottai Taluk,
Pudukottai District.



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W.P.(MD) No.21570 of 2017

P.T.ASHA, J.

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