



W.P.(MD)No.1027 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.1027 of 2024

and

W.M.P.(MD)Nos.19463 of 2024, 4099 & 4101 of 2025

A.Shahjahan

: Petitioner

Vs.

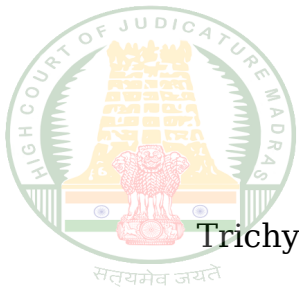
1.The Tahsildar,
Thiruverumbur Taluk,
Thiruchirappalli District.

2.A.Kamatchi

: Respondents

*[R2 impleaded vide order dated 12.11.2024 in
W.M.P.(MD)No.20253 of 2024]*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in UPM No/217722/2024 dated 24.01.2025 issued by the first respondent and quash the same and consequently direct the respondents to subdivide and grant individual patta in the name of the petitioner for his lands in 49/7, IAS Nagar, Thiruverumbur Village and Taluk,



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Trichy District measuring 6716 sq.ft as requested by him vide application dated 19.10.2023 vide patta request application number 2023/0105/15/282644.

[Prayer amended vide order of this Court dated 07.03.2025 in W.M.P.(MD)No.4097 of 2025]

For Petitioner : Mr.V.R.Shanmuganathan

For Respondent No.1 : Mr.C.Satheesh

Government Advocate

For Respondent No.2 : Mr.M.Saravanan

ORDER

The petitioner seeks sub-division and individual patta in respect of lands in S.No.49/7, IAS Nagar, Thiruverumbur Village and Taluk, Trichy District, measuring 6716 sq.ft. The petitioner has made an application for such sub-division and individual patta on 19.10.2023. The petitioner in and by the Writ Petition, challenges the impugned proceedings of the first respondent in UPM No/217722/2024 dated 24.01.2025.

2.I have heard the learned Counsel for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for the first respondent and Mr.M.Saravanan, learned Counsel appearing for the second respondent.



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3.The case of the petitioner is that he was owning 21 cents of land to the east of his uncle T.P.M.Sabjhan's property also measuring 21 cents. The said 21 cents have been settled in and by settlement deed dated 05.05.1989, to the petitioner by his father. From and out of the settled 21 cents, the petitioner carved out an extent of 20 x 120 feet on the western side of his property and conveyed the same in favour of a third party. The second respondent is the purchaser of a plot forming part of a layout that has been formed adjoining the property of the petitioner as well as his brothers on the northern side.

4.The case of the second respondent is that based upon the 20 feet passage that has been used by the developer, having purchased the same from the petitioner and annexing another 10 feet, which has been left by Mr.Sabjhan, a 30 feet road has been formed for the benefit of the purchasers of plots developed by T.P.M.Sabjhan and the purchasers of plots in IAS Nagar. The petitioner, after resale of 20 feet x 122 feet, which has now been used as a road, retained the remaining property on the eastern side and it is in respect of this property that the petitioner seeks subdivision and issuance of separate patta. However, the apprehension of the second respondent is that under the guise of sub-division and separate patta, the



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petitioner is attempting to mischievously recall 10 feet out of 20 feet that has been already sold by the petitioner. It is an admitted fact that there is a 30 feet road, which has been formed utilising 20 feet sold by the petitioner and 10 feet left by his uncle T.P.M.Sabjhan.

5.The petitioner claims that he is entitled for 21 cents under the settlement deed and only a portion on the western side 20 feet x 122 feet was sold which has been utilised for formation of the road and therefore, the petitioner is entitled to patta in respect of the remaining extent retained by him. Even in the sale deed sold in favour of the third party, conveying the said 20 x 122 feet, the petitioner has clearly mentioned in the boundaries that the eastern boundary is the lands retained by the writ petitioner. Therefore, the dispute can be resolved, if the survey is conducted and if the petitioner is found to be entitled to any lands lying to the east of the 30 feet road, then the petitioner can be issued separate patta after effecting necessary sub-division. If this exercise is undertaken, no prejudice will be caused to any of the purchasers of the layout nor the second respondent.

6.Considering the above, **this Writ Petition is disposed of**, with a direction to respondent to conduct survey of the property. The survey shall be conducted by the authorities and the 20 feet



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originally owned by the petitioner shall be earmarked besides the 10 feet left by T.P.M.Sabjhan, so that as a first step, the 30 feet road will be narrowed down and identified. Thereafter, the first respondent shall measure the remaining lands to the east of the said 30 feet road and the petitioner's entitlement to such lands shall be considered based on the documents submitted to him and if found eligible, the petitioner shall be issued separate patta, after carrying out necessary sub-division. Such exercise shall be completed within a period of eight [8] weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

07.03.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To
The Tahsildar,
Thiruverumbur Taluk,
Thiruchirappalli District.



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P.B.BALAJI., J.

MR

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