



W.P.(MD)No.5460 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

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

W.P.(MD).No.5460 of 2025

Lakshmipriya

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Kayathar Taluk,
Thoothukudi District.

2. The Tahsildhar,
Kayathar Taluk,
Thoothukudi District.

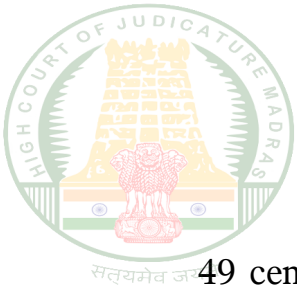
3. Ganesan

4. Mariyammal

5. Suresh

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in file No. 2023/0105/28/255520 dated on 06.12.2023 passed by the 2nd respondent and quash the same as illegal and consequently directing to the 1st and 2nd respondents to subdivide the property in S.No.104/5 to an extent of 3 Acres out of 5 acres



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49 cents situated at Onamakulam Village Kayathar Taluk, Thoothukudi District and thereafter issue separate patta to the petitioners name based on the registered settlement date vide D.No.1471/2023 dated on 13.09.2023.

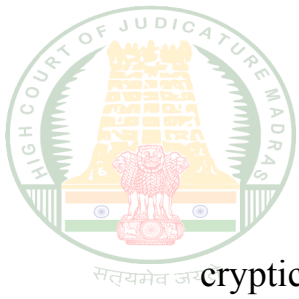
For Petitioner : Mr.V.G.Vallarasu Chezhiyan
For R1 and R2 : Mr.S.Kameswaran
Government Advocate

ORDER

Mr.S.Kameswaran, learned Government Advocate takes notice on behalf of the respondents 1 and 2.

2. The petitioner challenges the impugned order passed by the 2nd respondent/Tahsildar in file No.2023/0105/28/255520 dated 06.12.2023.

3. The petitioner has applied for issuance of separate patta on 13.09.2023 based on the settlement deed executed in favour of the petitioner. However, the said application has been rejected by the 2nd respondent in and by the impugned order 06.12.2023. On going through the impugned order, I find that the 2nd respondent has passed a



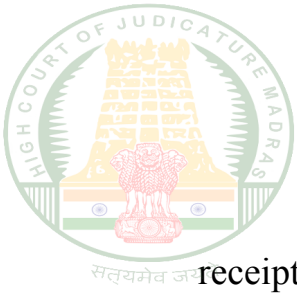
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cryptic order without conducting any enquiry or affording an opportunity to the petitioner, merely citing the objection of the sibling of the petitioner's husband.

4. On going through the settlement deed, I am able to see that the petitioner's husband got the property by way of a settlement executed by his mother in and by a registered gift deed dated 04.07.2016. The petitioner's husband in turn had settled the property in favour of the petitioner under a registered settlement deed dated 13.09.2023. Therefore, when satisfactory documentary evidence has been produced by the petitioner based on the registered documents tracing atleast up to the year 1990, the 2nd respondent ought not to have passed the impugned order based on the objections made by the petitioner's husband siblings.

5. In view of the manner in which the 2nd respondent has passed the impugned order, I am inclined to set aside the same and remit the matter to the 2nd respondent for fresh consideration, on merits and in accordance with law, after giving an opportunity to the objectors if any. The said exercise shall be completed within a period of 12 weeks from the date of



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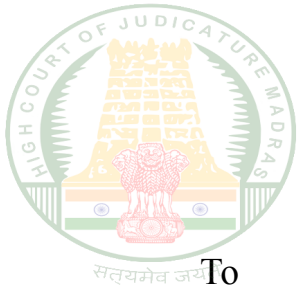
receipt of a copy of this order.

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6. The writ petition is disposed of with the above observations and directions. No costs.

28.02.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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P.B.BALAJI, J.

rgm

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