



W.P.(MD) No.5622 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.5622 of 2024
and
W.M.P(MD)No.5326 of 2024

Nagoormydeen

... Petitioner

VS.

The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records from the office of the respondent with respect to file No.2023/0105/29/250131, dated 05.08.2023 and quash the same and consequently direct the respondent to sub-divide the land of the petitioner to an extent of 1.06 acres situated in S.Nos. 424/1A and 424/1B, comprised in Joint Patta No.1082 and 545, South Veeravanallur Village-II, Cheranmahadevi Taluk, Tirunelveli District and issue separate patta in the name of the petitioner on the basis of the petitioner's sale deed dated 13.08.2021.

For Petitioner : Mr.S.Packiya Muthu
For Respondent : Mr.M.Lingadurai
Special Government Pleader



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ORDER

The petitioner challenges the impugned order of the respondent in application No.2023/0105/29/250131, dated 05.08.2023.

2.Heard the learned counsel on either side.

3.The petitioner has made an application for subdivision of his property comprised in S.Nos.424/1A and 424/1B and for issuing separate patta thereafter in the name of the petitioner. In and by the rejection order, which is challenged in the present writ petition, the said application was rejected, solely on the ground that the canal sand has been stored in the subject property. It is the specific contention of the petitioner that the canal sand was dumped into the petitioner's property as debris and the petitioner also approached this Court in W.P(MD)No.8669 of 2023 and by order dated 28.06.2023, this Court directed the respondents to remove the debris, which was dumped into the petitioner's property. According to the petitioner, the said order was also complied with, and the debris was also removed. Thereafter, the patta was also issued to the petitioner in respect of S.No.424/1B. The grievance of the petitioner is that in respect of S.No.424/1A, no steps have been taken similar to that of S.No.424/1B.



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5. I find from the records that the petitioner has purchased the lands comprised in not only S.No.424/1B only but also S.No.424/1A under single document. It is only consequent to this purchase, the petitioner sought for subdivision and issuance of patta in respect of both the survey numbers. Now that the reasons cited by the respondent for rejecting the patta is no longer subsisting in view of the debris being removed pursuant to the order of this Court and further the fact that in respect of S.No.424/1B, patta has already been issued to the petitioner, there can be no impediment for the respondent to consider the issuance of patta in respect of S.No.424/1A which has also been purchased by the petitioner under the single document.

6. In view of the above, this Writ Petition is allowed and the impugned order, dated 05.08.2023 in application No.2023/0105/29/250131, is set aside. The matter is remitted to the respondent to consider the petitioner's application for patta in respect of S.No.424/1A taking into account the sale deed dated



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13.08.2021 registered in his favour. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

10.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli.



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P.B.BALAJI, J.

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