



W.P.(MD) No.10904 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.10904 of 2024

G.Murugesan

... Petitioner

VS.

1.The District Collector,
District Collectorate,
Thoothukudi District.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to make appropriate sub-division and issue patta in the name of the petitioner relating to the property in Thoothukudi District, Mullakadu Village, S.Nos.213/2A2A and 213/4, out of 2 acre 12 cents in the middle out of 99 cents, out of northern portion 66 cents, to an extent of 9.618 cents by considering the representation of the petitioner dated 21.03.2024 within a time frame as may be fixed by this Court.



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For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner has sought for the relief of issuance of a Writ of Mandamus to direct the respondents to sub-divide and issue patta in the name of the petitioner.

2.Heard the learned counsel on either side.

3.The learned counsel for the petitioner would submit that the suit was filed by the petitioner's vendor in O.S.No.506 of 1991 before the Additional District Court, Thoothukudi, for declaration and permanent injunction in respect of the first item of property and for recovery of possession and mandatory injunction in respect of the second item of property. The suit was initially dismissed by the trial Court on 13.09.1993. In the interregnum period, the petitioner has purchased the property and hence, the petitioner, joining hands with the petitioner's vendor, filed A.S.No.200 of 1993. The said appeal was allowed, thereby, a Judgment and



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Decree of the trial Court was set aside and the suit came to be decreed. As against the Judgment of the First Appellate Court, the defendant in the said suit preferred S.A(MD)No.02 of 2004 and the said second appeal also came to be dismissed on 07.06.2022. The matter attained finality and therefore, the petitioner sought for sub-division and issuance of patta on 21.03.2024.

4.Admittedly, even according to the learned Additional Government Pleader for the respondents, with the dismissal of the second appeal in S.A(MD)No.02 of 2004, the matter attained finality and therefore, the petitioner is entitled to sub-division and issuance of patta based on the Judgment and Decree of this Court. The learned Additional Government Pleader would submit that the second respondent would be the competent authority to dispose of the petitioner's representation.

5.Considering that the petitioner seeks sub-division and issuance of the patta in respect of the smaller extent of the larger extent, which has been declared in favour of the vendor of the petitioner, there can be no impediment for the authorities to conduct survey. Accordingly, the second respondent is directed to



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conduct a survey and dispose of the petitioner's application dated 21.03.2024, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, this Writ Petition is disposed of. No costs.

14.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1. The District Collector,
District Collectorate,
Thoothukudi District.

2. The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.



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P.B.BALAJI, J.

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