



W.P.(MD) No.15414 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.15414 of 2024

and

W.M.P(MD)No.13512 of 2024

C.Samdevadasan

... Petitioner

vs.

1.The District Collector,
Thoothukudi Taluk,
Thoothukudi District.

2.The District Revenue Officer,
Thoothukudi Taluk,
Thoothukudi District.

3.The Revenue Divisional Officer,
Thoothukudi Taluk,
Thoothukudi District.

4.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the fourth



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respondent with regard to the rejection of the petitioner's application dated 06.05.2024 in application No.2024/0105/28/278327 and in consequence thereof direct the fourth respondent to issue separate patta for the property comprised in S.No.26/3B1/A1 measuring about 52 cent situated at Korampallam Part 1 Village, Thoothukudi Taluk and District after making sub-division of the property in favour of the petitioner within a reasonable time to be stipulated by this Court.

For Petitioner : Mr.B.Sekar

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner has filed an application on 08.02.2024 for sub-division and issuance of a separate patta for the property comprised in S.No.26/3B1/A1 measuring 52 cents in Korampallam Part 1 Village, Thoothukudi Taluk and District. The fourth respondent, vide order dated 06.05.2024, has rejected the petitioner's application, stating that there is a pending civil litigation. Challenging the same, the present writ petition has been filed.

2.I find that the said order dated 06.05.2024 is a non-speaking order. There is no details of the pending civil suit also mentioned in the said order. Further, it



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is the specific case of the petitioner that there is no litigation pending in respect of the subject property. Therefore, the order of the fourth respondent is liable to be set aside.

3.In the light of the above, this Writ Petition is allowed. The order of the fourth respondent, dated 06.05.2024 is set aside and the fourth respondent is directed to consider the petitioner's application dated 08.02.2024 on its own merits and in accordance with law and pass final orders, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2025

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

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To

1.The District Collector,
Thoothukudi Taluk,
Thoothukudi District.

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P.B.BALAJI, J.

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2.The District Revenue Officer,
Thoothukudi Taluk,
Thoothukudi District.

3.The Revenue Divisional Officer,
Thoothukudi Taluk,
Thoothukudi District.

4.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

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06.02.2025