



W.P.(MD)No.16651 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16651 of 2025

D.Vimala Rose

... Petitioner

Vs.

1. The District Collector,
O/o. District Collector Office,
7a, National Highway,
PSP Nagar, Korampallam,
Tuticorin.

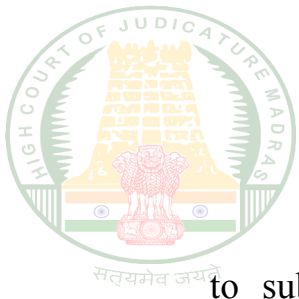
2. The District Revenue Officer,
O/o. District Collector Office,
7a, National Highway,
PSP Nagar, Korampallam,
Tuticorin.

3. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Bench Road,
Tuticorin.

4. The Revenue Tahsildar,
O/o. Revenue Taluk Office,
Santhankulam,
Tuticorin.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the 4th respondent



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to subdivision and issue separate Patta in S.No.248/1A situated at Sasthavinallur, Santhankulam Taluk, Tuticorin District by considering petitioner application submitted in online vide Ref No application Nos. 2022/0105/28/206320 dated 22.10.2022 and 2024/0105/28/332477 dated 23.12.2024.

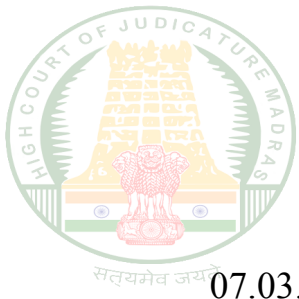
For Petitioner :Mr.B.Kathiravan

For Respondents :Mr.K.R.Badurus Zaman
Government Advocate

ORDER

The petitioner seeks a direction to the fourth respondent to subdivide Survey No.248/1A and provide a separate patta to her.

2. Learned counsel for the petitioner relies on sale deed dated 27.01.2014 by which the petitioner purchased ten cents of land in Survey No.248/1A from Robinson. He further submits that there is no dispute with regard to the said purchase between the petitioner and Robinson. According to learned counsel, Robinson had agreed to permit the petitioner to use a pathway to access her property. Since Robinson endeavoured to block access to the petitioner, the petitioner filed O.S.No. 20 of 2020 and obtained judgement and decree dated 26.08.2022. By suppressing the said judgement and decree, he states that Robinson filed O.S.No.70 of 2023, which was dismissed by judgment and decree dated



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07.03.2024. He also admits that A.S.No.21 of 2025 has been filed before the first appellate court against the latter judgement and decree.

3. Learned Government Advocate appears on behalf of all the respondents. Based on written instructions, he submits that Survey No. 248/1A is of an extent in excess of five acres. He further states that there is a boundary dispute between the petitioner and Robinson and that the request for patta cannot be considered in view thereof, including on account of the pending appeal.

4. On perusal of the plaint and the judgement and decree in O.S.No.20 of 2022, it appears that the dispute between the petitioner and Robinson relates to easementary rights in respect of the petitioner's property. The judgement and decree in O.S.No.70 of 2023 reveals that the said suit is to restrain the petitioner from disturbing Robinson's peaceful possession of the property. Neither suit appears *prima facie* to relate to the 10 cents purchased by the petitioner under sale deed dated 27.01.2014. In those circumstances, the pendency of the appeal does not preclude consideration of the petitioner's request for subdivision and separate patta.



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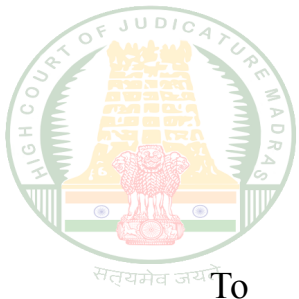
5. The petitioner has placed on record joint Patta No.2843. The said joint patta stands in the names of Robinson, Suresh and the petitioner/Vimala Rose. It pertains to an extent of 2 hectares 2.50 ares in Survey No.248/1A. Therefore, the total extent, as submitted by learned Government Advocate, would be in excess of five acres. Before effecting a subdivision or considering the request for a separate patta, it is therefore just and necessary that the joint pattadhars be put on notice and objections, if any, considered.

6. For reasons aforesaid, this writ petition is disposed of by directing the fourth respondent to consider the petitioner's request for subdivision and separate patta in respect of ten cents in Survey No. 248/1A. A speaking order shall be issued in respect thereof within three months after providing a reasonable opportunity to all the parties mentioned above. No costs.

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NCC :No
Internet :Yes
Index :No
PKN



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SENTHILKUMAR RAMAMOORTHY, J.

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