



W.P.(MD)No.25001 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.25001 of 2023

Subbaiah

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Manoor Taluk Office,
Manoor,
Tirunelveli District.

3.The Head Surveyor,
Manoor Taluk Office,
Manoor,
Tirunelveli 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 pertaining to the Impugned order passed by the 2nd respondent in his proceedings Na.Ka.D1/3917/2022, dated 26.04.2023 and quash the same as illegal and arbitrary and consequently direct the 2nd respondent herein to issue the separate Patta to the Petitioner with regard to Property in Survey No.78/1 to an extent of



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east west 38 feet and south to north 45 feet and totally 1710 sq.ft situated at Mela Ilandaikualm Village, Manoor Taluk, Tirunelveli District.

For Petitioner : Mr.G.Gomathisankar

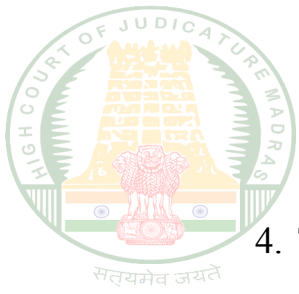
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner challenges the order of the 2nd respondent rejecting the petitioner's request for issuance of separate patta.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. According to the petitioner, he has purchased small extent of 1710 sq.ft under a registered sale deed with four definite boundaries. The learned counsel for the petitioner submits that after purchase, the petitioner has also obtained necessary planning permission and put up construction and property has also been assessed to house tax which is being paid by the petitioner to the Panchayat without any default. Therefore, the petitioner based on the joint patta, seeks for separate patta to be issued.



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4. The learned Additional Government Pleader would submit that there are as many as 40 houses in the said Survey No.78/1 and without subdivision being carried out, the petitioner's request for separate patta cannot be entertained. He would also submit that a civil suit is pending in respect of the very same survey number.

5. However, in this regard, the learned counsel for the petitioner submits that the said suit is not pertaining to the petitioner's property, it is only relating to another portion of Survey No.78/1.

6. In view of the fact that there has been no subdivision of Survey No. 78/1, the petitioner shall make an application for subdivision and pay the requisite charges for the same. On such application being made by the petitioner, the 2nd respondent shall take steps to carry out subdivision of the property after issuing notice to the petitioner and other interested stakeholders in Survey No.78/1. After hearing the objections of the other interested parties, the 2nd respondent shall pass find orders on the subdivision application to be filed by the petitioner. Subject to the subdivision being carried out, the petitioner's application for separate patta shall thereafter be considered.



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WEB COPY 7. With the above direction, this Writ Petition stands disposed of. No costs.

03.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gbg

To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Manoor Taluk Office,
Manoor,
Tirunelveli District.
- 3.The Head Surveyor,
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Tirunelveli District.



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P.B.BALAJI, J.

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