



W.P(MD)No.8812 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2026

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.8812 of 2026

M.Palaniyammal

... Petitioner

Vs.

The Tahsidlar,
Athoor Taluk,
Dindigul.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the respondent in proceedings No. 2020/0103/13/109084 dated 14.02.2020 and 2021/0105/13/194562 dated 11.08.2021 and consequently direct the respondent to grant patta in respect of S. Nos.179/3D and 180/4B situated in Veerakkal Village, Athoor Taluk, Dindigul District based upon the Civil Court Decree in O.S. No.176 of 2005 dated 12.04.2007.

For Petitioner : Mr.P.Praveenkumar

For Respondent : Mr.T.Amjad Khan
Government Advocate



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ORDER

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The present writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned orders passed by the respondent in proceedings No.2020/0103/13/109084 dated 14.02.2020 and 2021/0105/13/194562 dated 11.08.2021 and consequently direct the respondent to grant patta in respect of S. Nos.179/3D and 180/4B situated in Veerakkal Village, Athoor Taluk, Dindigul District based upon the Civil Court Decree in O.S. No. 176 of 2005 dated 12.04.2007.

2.The lands in Survey Nos. 179/3D and 180/8 are the ancestral properties of the petitioner's father. Apart from these survey numbers, there are several other survey numbers involved. Therefore, the legal heirs filed a suit seeking partition.The petitioner's father died in the year 1977, leaving behind his wife, son, the petitioner, and her sister as his legal heirs. While so, the petitioner's brother, Murugan, sold the entire property in Survey No. 180/48 in favour of one Meena. The said Meena filed a suit in O.S. No. 49 of 2005 before the District Munsif Court, Dindigul, seeking an injunction restraining interference with her possession. Subsequently, the petitioner, along with her sister, filed a suit in O.S. No. 176 of 2025 seeking partition of a 10/16th share in the ancestral properties and an equal share in respect of Survey No. 180/48, along with separate possession of their respective shares. Both suits were tried together and common



judgment was passed. A preliminary decree was granted in O.S.NO.176 of 2025 and injunction was granted in O.S.No.49 of 2005 only to the extent of their brother's share alone. Thereafter, they filed an application in I.A. No. 263 of 2014 for the appointment of an Advocate Commissioner to divide the property. The said application was allowed, and a final decree was passed. The petitioner and her sister then filed E.P. No. 98 of 2018, which was allowed, and delivery of possession was effected. The petitioner is now seeking issuance of a separate patta for her share of the property. However, by the impugned order, the respondent rejected the request stating that subdivision, as per the Court decree, had not been obtained. The contention of the petitioner is that the impugned order was passed during the COVID-19 period, and the respondent did not provide any opportunity for personal hearing. Had such an opportunity been granted, the petitioner would have explained the suit and execution petitions.

3. Therefore, the impugned order of the respondent is quashed. The petitioner is directed to file a fresh application within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the respondent shall consider the same and pass orders on merits and in accordance with law within a period of eight weeks. The respondent is also strictly directed to afford a personal hearing to the petitioner and thereafter pass orders in the light of the civil court decree.



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4. With the above observations, this Writ Petition is allowed. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes
am

01.04.2026

To:

The Tahsidlar,
Athoor Taluk,
Dindigul.



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S.SRIMATHY, J.

am

ORDER MADE IN
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