



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. (MD)Nos.20281 & 20771 of 2018 and 21430 of 2019

S.Murugan ... Petitioner in W.P.(MD)No.20281 of 2018
M.Sumathi ... Petitioner in W.P.(MD)No.20771 of 2018
Meena ... Petitioner in W.P.(MD)No.21430 of 2019

/Vs./

Respondents in W.P.(MD)No.20281 of 2018:

- 1.The District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 3.The Thasildhar,
Thiruchuli Taluk,
Virudhunagar District.

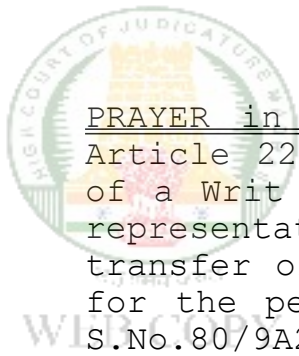
Respondents in W.P.(MD)No.20771 of 2018:

- 1.The District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
- 3.The Thasildhar,
Thiruchuli Taluk, Virudhunagar District.

4.R.Sankili

Respondents in W.P.(MD)No.21430 of 2019:

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Thasildhar,
Thiruchuli Taluk, Thiruchuli,
Virudhunagar District.
3. Sangili ... Respondents



PRAYER in W.P.(MD)No.20281 of 2018:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to dispose the representation dated 04.07.2018, relating with Sub-division and transfer of patta to the petitioner name from the petitioner vendor for the petitioner house site measuring 766 ½ Sq.feet situated in S.No.80/9A2, in Tiruchuli village in Virudhunagar District, as accordance to the petitioner registered sale deed Document Number 9990/1999 dated 07.04.1999.

PRAYER in W.P.(MD)No.20771 of 2018:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to dispose the petitioner representation dated 04.07.2018, relating with the rectification of error made in patta holder name as Sankili S/o.Ramanathan instead of petitioner name M.Sumathi in Patta Number 2514 for the petitioner house site measuring 1204 ½ sq.feet situated in S.No.80/9A, in Tiruchuli village in Virudhunagar District, as accordance to the petitioner registered sale deed Document Number 1166/1997 dated 22.09.1997.

PRAYER in W.P.(MD)No.21430 of 2019:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to survey and demarcate the petitioner's property situated in S.No.80/9A in Sub-Division No.80/11B at Thiruchuli Village and Taluk, Virudhunagar District to an extent of 766 ½ square meter of vacant land and to issue separate patta in the petitioner's name in respect of the said property.

For Petitioner : Mr.R.Suriya Narayanan
(in W.P.(MD)Nos.20281 and 20771 of 2018)
: Mr.Saravanakumar.P
(in W.P.(MD)No.21430 of 2019)
For Respondents : Mr.K.Mu.Muthu
Additional Government Pleader
(for R-1 to R-3 in W.P.(MD)Nos.20281 and 20771 of 2018)
(for R-1 and R-2 in W.P.(MD)No.21430 of 2019)
: Mr.A.Baskaran
(for R-4 and R-3
in W.P.(MD)No.20771 of 2018 & 21430 of 2019 respectively)

COMMON ORDER

This common order will dispose of these three (3) writ petitions. W.P.(MD)No.20281 of 2018 is referred to as 'I Writ Petition', W.P.(MD)No.20771 of 2018 is referred to as 'II Writ Petition' and W.P.(MD)No.21430 of 2019 is referred to as 'III Writ Petition' for the sake of convenience and clarity.



2. Read this in conjunction with and in continuation of earlier proceedings of this Court dated 14.10.2019 made in III Writ Petition, which reads as follows:

'It is submitted that this writ petition is dovetailed with W.P.(MD)Nos.20281 and 20771 of 2018.

List all these writ petitions on 18/10/2019 in the motion list.'

3. Pursuant to the aforesaid proceedings in III Writ Petition, all the aforesaid three writ petitions have been listed together today before this Court.

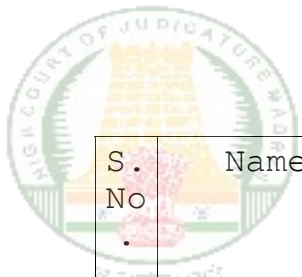
4. Mr.R.Suriya Narayanan, learned counsel on behalf of writ petitioner in I Writ Petition and II Writ Petition, Mr.Saravanakumar.P, learned counsel on behalf of writ petitioner in III Writ Petition are before this Court.

5. Mr.K.Mu.Muthu, learned Additional Government Pleader is before this Court on behalf of all the official respondents in all these three writ petitions. With regard to II Writ Petition and III Writ Petition, 4th and 3rd respondents respectively are private respondents. To be noted, fourth respondent in II Writ Petition and third respondent in III Writ Petition is one and the same namely, one Sankili, S/o.Ramanathan. Mr.A.Baskaran, learned counsel is before this Court on behalf of this private respondent in II and III Writ Petitions.

6. All the aforesaid learned counsel were heard and with consent of all the aforesaid learned counsel, these three main writ petitions are taken up, heard out and are being disposed of.

7. This Court is informed that the subject matter of all these writ petitions pertain to land comprised in S.No.80/9A in 114 Thiruchuli Village, Thiruchuli Taluk, Virudhunagar District and this Court is also informed that total extent of land in this S.No.80/9A is 90 cents. Thereafter, there were sub-divisions of S.No.80/9A. The sub-divisions were given alpha series with further numeric sub-divisions for each alpha series.

8. In the aforesaid backdrop, three writ petitioners have purchased different extents of land and those details are as follows:



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S. No.	Name	Rank in Writ Petitions	Survey Number	Total Extent (in Sq.ft.)	Sale deed dated	Sale deed executed by
1.	S.Murugan	Petitioner in I writ petition	80/9A2	776 ½	07.04.1999	Sermakani
2.	M.Sumathi	Petitioner in II writ petition	80/9A without giving sub-division details (in other words not localised)	1204 ½	24.09.1997	Vellaichamy
3.	Meena	Petitioner in III writ petition	80/11B	766 ½	28.11.2018	S.Murugan
4.	Sankilli	4 th respondent in II writ petition and 3 rd respondent in III writ petition	80/9A1m	292	24.11.1992	Vellaichamy

9. As already alluded supra, total extent in S.No.80/9A is 90 cents and post sub-divisions, on instructions, learned State counsel submits that 80/9A1 consists of 340 sq.mts., in other words, little over 7 cents, but, this is mentioned only for completing the facts. As would be evident from the tabulation supra, writ petitioners in all these three writ petitions as well as private respondent in II and III Writ Petitions have purchased several sub-divisions, details of which have been set out in the tabulation supra.

10. All the writ petitioners as well as the private respondent in II and III Writ Petitions have made a plea for transfer of patta in their respective names for the respective pieces of lands which according to them have been purchased under registered sale deeds.

11. As far as these three writ petitions on hand are concerned, it is submitted that there is no title dispute between



the parties before this Court. Therefore, it is only a question of ascertaining the correct sub-division, issue of patta and localizing the property, as far as II Writ Petition is concerned.

12. To be noted, in II Writ Petition, sub-division has not been given, only the extent viz., 1204 ½ sq.ft., has been mentioned in the sale deed. Therefore, in II Writ Petition, the property has to be first localised ie., measured, surveyed and boundaries fixed before sub-division is ascertained. Writ petitioner in the II Writ Petition undertakes to pay necessary charges and prescribed fee (if not already paid) in this regard, within a fortnight from the date of receipt of a copy of this order. Thereafter, the property, which forms subject matter of II Writ Petition shall be measured, surveyed and boundaries fixed, after putting all concerned on notice and after giving reasonable opportunity to all concerned, if there are any rival claims. This exercise shall be completed within four (4) weeks therefrom.

13. Above exercise will consume six (6) weeks from the date of receipt of a copy of this order. Thereafter, the jurisdictional Tahsildar, namely, Tahsildar, Thiruchuli taluk, Virudhunagar District shall embark upon the exercise of examining the issue of patta for the writ petitioners and private respondent in II and III Writ Petitions, namely, Sankili, S/o.Ramanathan. While embarking upon such exercise, the jurisdictional Tahsildar who is respondent No.3 in I and II Writ Petitions and respondent No.2 in III Writ Petition shall put all concerned on notice and give reasonable opportunity to all concerned, if there are any objections or rival claims. Thereafter, an order regarding patta with regard to the aforesaid four individuals ie., three writ petitioners and one private respondent shall be passed within eight (8) weeks from the date of commencement of proceedings in the aforesaid manner. All Writ Petitioners and private respondents undertake to pay prescribed fee and necessary charges for this exercise, if not already paid.

14. All these three Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Virudhunagar District.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.
3. The Thasildhar,
Thiruchuli Taluk, Virudhunagar District.

+2 CC to Mr.R.SURIYANARAYANAN, Advocate SR-92875,92874
+1 CC to Mr.A.BASKARAN, Advocate (SR-92876[F] dated 18/10/2019)
+1 CC to SPL GP (SR-93225[F] dated 21/10/2019)
+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-93413[F] dated
21/10/2019)

Common Order made in
W.P. (MD)No.20281 & 20771 of 2018 and 21430 of 2019
Dated:18.10.2019

sm

MK (07.11.2019) 6P 9C