



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.572 of 2020

V.Krishnan

.. Petitioner

Vs.

1.The Tahsildar,
Tiruchendur Taluk Office,
Tiruchendur,
Thoothukudi District.

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

3.The Inspector of Police (L&O),
Kulasekaranpattinam Police Station,
Thoothukudi District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to measure the properties aid with respondent police to an extent of 1 ½ cent in S.NO.35/7A1A1 of Udankudi Village, Kallmozhi, Tiruchendur Taluk, Thoothukudi District and to issue patta in favour of the petitioner property based on the representation, dated 05.08.2019 within a time to be stipulated by this Court.

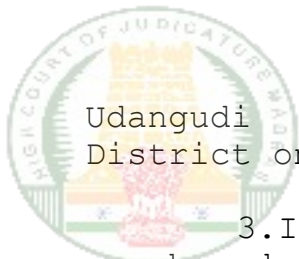
For Petitioner : Mr.S.Vinodh

For Respondents : Mr.C.Ramar,
Additional Government Pleader

ORDER

Mr.C.Ramar, learned Additional Government Pleader takes notice for respondents. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

2.This writ petition is filed for issuing a writ of mandamus to direct the first respondent to measure the properties with the police aid in respect of an extent of 1 ½ cents in S.No.35/7A1A1 of



Udangudi Village, Kallamozhi, Tiruchendur Taluk, Thoothukudi District on the basis of the petitioner's representation.

3. In the representation, the petitioner states that he purchased the lands from one Jeyapandi under a sale deed, dated 05.05.1981. Though the petitioner purchased the property in 1981, he applied for the patta to the first respondent only on 18.02.2017. The petitioner admits that the neighbouring land owners have trespassed into the petitioner's land and that therefore, he has lodged a complaint before the Inspector of Police, Kulasekarapattinam Police Station. Thereafter, the petitioner has submitted a representation, dated 26.07.2019. In the representation, the petitioner has referred to the names of two individuals who according to the petitioner is obstructing the petitioner's right to have access through the property. The petitioner has not impleaded the individuals who are shown as persons who are obstructing the petitioner's enjoyment. From the representation, it appears that the petitioner is seeking patta in respect of a property, portion of which according to the petitioner is a pathway on ground. The petitioner had produced before this Court the patta in respect of the property in S.No.35/7A1A1. The petitioner's name is found along with 17 others. It is for the petitioner to seek sub division on the basis of his title document. If such application is filed, the Tahsildar may consider as to whether the petitioner is entitled to patta in respect of any portion of land after issuing notice and hearing all the pattadhars. There is no scope for getting police aid for measuring the property when the petitioner's title is not established before civil Court.

4. Hence, with liberty to the petitioner to approach the Tahsildar for Sub division of property to get separate patta or to approach the Civil Court to establish his right, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1. The Tahsildar,
Tiruchendur Taluk Office,
Tiruchendur,
Thoothukudi District.



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

3.The Inspector of Police (L&O),
Kulasekaranpattinam Police Station,
Thoothukudi District.

+1 CC to M/s.S.VINODH, Advocate (SR-1526[F] dated 10/01/2020)

W.P. (MD) .No.572 of 2020
10.01.2020

JMN(07.02.2020) 3P : 5C