



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.2032 of 2020

WEB COPY

A.Dhanalakshmi

.. Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Town Surveyor,
Ponmalai Zone,
Trichy Corporation,
Trichy.

3.A.Arunmozhi

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus direct the 2nd respondent to measure the petitioner land at Trichy District, B.Abisekapuram Village in S.No.131/A-12, Plot No.28 to the extent of 1380 sq. ft with in stipulated period framed by this Court.

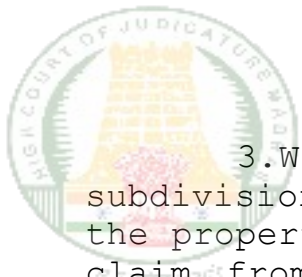
For Petitioner : Mr.S.Sivakumar

For Respondents 1&2 : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

Despite this Court has repeatedly held that the revenue authorities, under Patta Pass Book Act, has no authority to decide the question of title, the petitioner in this case also has filed the writ petition to direct the second respondent to measure the property in S.No.131/A-12, Plot No.28, to the extend of 1380 sq. feet within a time stipulated by this Court.

2.Though the petitioner states that he purchased the land namely an extent of 1380 sq. feet from the third respondent on 08.07.2016, by a registered sale deed, he has not produced any document to show that the petitioner's vendor had patta. Section 12 of the Tamilnadu Patta Pass Book Act enable the authorities under the Act to consider the application for mutation or modification of patta only under three circumstances. The petitioner has not produced before this Court the patta issued either in his name or in the name of his predecessor in interest namely the person who sold the property to the petitioner by document dated 08.07.2016.



3. Without their being separate patta by effecting subdivision, the revenue authorities cannot demarcate or measure the property of any one especially, when there is dispute or rival claim from so many persons, who are joint pattadars. In the present case, the petitioner himself admits that there is rival claim and a third party has made obstruction for the petitioner to put up construction.

4. Be that as it may, without establishing that the petitioner is entitled to patta for the property under Tamilnadu Patta Pass Book, the petitioner cannot seek demarcation or survey or measurement of land. The petitioner can seek separate patta in case the petitioner's vendor had patta in his name prior to the sale executed in favour of the petitioner. Subdivision or demarcation of property is permissible only if the boundary is fixed on ground in terms of Revenue Standing Orders at the request of parties. If subdivision had been effected without notice to neighbouring land owners or without hearing the joint pattadars who has shown as owners in the particular survey number, the subdivision cannot bind all others who were not made parties and who have not been heard before fixing or demarcating the boundary of a property based on patta.

5. In these circumstances, this Court is unable to grant any relief to the petitioner as the petitioner has not produced before this Court either patta standing in his name or in the name of his vendor. In case the petitioner applied for inclusion of his name as pattadars by showing that his vendor or his predecessor's vendor has been shown as pattadars in the revenue records, the respondent i.e., Tahsildar shall consider the application in accordance with provision of Tamilnadu Patta Pass Book Act, after issuing notice to all the parties concerned in the manner known to law.

6. With the above directions, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



1.The District Collector,
Trichy District,
Trichy.

2.The Town Surveyor,
Ponmalai Zone,
Trichy Corporation,
Trichy.

+1 CC to SPL GP (SR-4560[F] dated 04/02/2020)

W.P. (MD) .No.2032 of 2020
03.02.2020

_KM/(17.02.2020) 3P 4C