



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.2482 of 2020

WEB COPY

S.Jinnah

: Petitioner

vs.

1.The Tahsildar,
Madurai North Taluk,
Madurai District.

2.The District Surveyor,
Madurai, Madurai District.

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to survey petitioner's properties found in R.S.No.181/2 in Plot No.290, Thallakulam Village, K.Pudur, Madurai District based upon the petitioner's application, dated 20.12.2019 and fix four boundaries of the petitioner's aforesaid property.

For Petitioner :Mr.C.M.Arumugam

For Respondents :Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the first respondent to survey petitioner's property found in R.S.No.181/2 in Plot No.290, Thallakulam Village, K.Pudur, Madurai District based upon the petitioner's application, dated 20.12.2019 and fix four boundaries of the petitioner's aforesaid property.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner stated that he acquired title to the property in respect of Plot No.290 in Thallakulam Village, K.Pudur, Madurai District, by a registered sale deed, dated 11.10.1999. It is stated that the petitioner has purchased the said house site and enjoying the same without encumbrance till date. However, it is admitted that mutation of revenue records did not happen, despite the fact that the petitioner has purchased the property in the year 1999. The petitioner has now submitted an application before the first respondent on 20.12.2019 for survey and issuing of patta. Stating that the officials have not come forward to survey the property, the petitioner stated that he has no alternative



efficacious remedy, except to seek a direction from this Court to carry out survey.

4.The petitioner can approach the revenue officials for issuance of separate patta on the basis of his title deed, if his vendors have been shown as registered owners. The petitioner can seek for sub division of property, after getting his name included in the revenue records as join pattathar in a particular survey number. If there is any dispute with regard to title among the join pattathars, the issue relating to the title can be considered and decided only by the Civil Court. In such circumstances, the petitioner's request for measuring the property on the basis of sale deed obtained by him in 1999 may not be proper.

5.The petitioner can file an application for getting his name included in the patta and can press for mutation, only when the name of his predecessor-in-interest is already there in the revenue records. If the petitioner's vendors have been shown as registered owners as per revenue records, it is open to the petitioner to seek sub division of the specific plot purchased by him, after notice to all neighbouring land owners.

6.Hence with the liberty to the petitioner to approach the first respondent to get patta for the property and then to seek sub division as per law, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The Tahsildar,
Madurai North Taluk,
Madurai District.

2.The District Surveyor,
Madurai, Madurai District.

+1 CC to SPL GP (SR-5617[F] dated 11/02/2020)

+1 CC to Mr.C.M.ARUMUGAM, Advocate (SR-5735[F] dated 11/02/2020)

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