



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.16950 of 2020

A.Francis Leo Gunaseelan

...Petitioner

-Vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the second respondent to issue a separate patta in the name of the petitioner and his wife in respect of the housing plots in Plot Nos.161 and 162 situated at Survey No.180/1A1, Sankaraperi Village, Thoothukudi Taluk, Thoothukudi District within a time stipulation as fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.M.Muniyasamy

Additional Government Pleader.

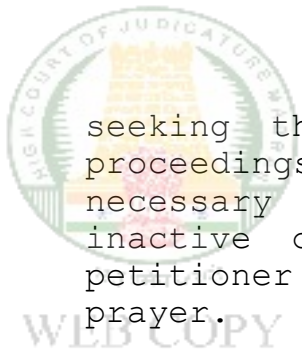
ORDER

This writ petition has been filed to direct the second respondent to issue a separate patta in the name of the petitioner and his wife in respect of the housing plots in Plot Nos.161 and 162 situated at Survey No.180/1A1, Sankaraperi Village, Thoothukudi Taluk, Thoothukudi District.

2. Mr.M.Muniyasamy, learned Additional Government Pleader takes notice for the respondents.

3. By consent of both parties, this writ petition is taken up final disposal at the stage of admission itself.

4. According to the petitioner and his wife purchased two housing plots in Plot Nos.161 and 162 measuring to an extent of 5.509 cents and 7.37 cents in Survey No.180/1A1 at Sankaraperi Village, Thoothukudi Taluk and Thoothukudi District. More than 150 plots including the petitioner's plots were included in the joint patta in patta No.2868 in the name of Machado Nagar. Hence, the petitioner approached the second respondent to get a separate patta in respect of his plots. Since no action has been taken by the second respondent, the petitioner approached the second respondent



seeking the aforesaid relief. The first respondent vide his proceedings dated 22.09.2017, directed the second respondent to take necessary action. Even then, the second respondent remained inactive on the request of the petitioner. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

5. The learned Additional Government Pleader appearing for the respondents would submit that petitioner is one of the pattathar of a joint patta and there are other pattathars. Hence, the request of the petitioner to give joint patta could not be considered.

6. Without going into the merits of the matter, this Court directs the respondents to decide whether individual patta can be issued to the petitioner by conducting thorough survey of the property after affording opportunity to the parties. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such an exercise shall be completed, within a period of 120 days from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed. In case any Civil Suit is already pending, there is no need for measuring the land in question, as it is for the Civil Court to decide the matter. After the order of this Court any suit is filed, the officials hands are not tied to carry out the directions mentioned in the aforesaid two orders, as there is a possibility of one or other party to move the Court later and to stall the proceedings before the revenue authorities. Only exception is if an interim order operates against the authorities.

7. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

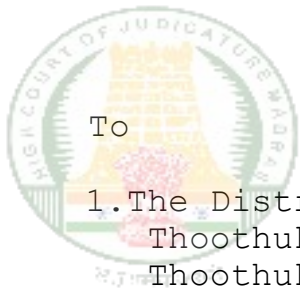
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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-23320[F] dated 30/11/2020)

W.P. (MD) No.16950 of 2020
27.11.2020

SS (CO)
KB (23.12.2020) 3P 4C