



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15114 of 2020

Vanitha N.Patel
(Through her power Agent, Nanthu K.Patel)

... Petitioner

-Vs-

The Tahsildar,
Trichirapalli (West),
Trichirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue patta in favour of the petitioner based on the representation dated 11.09.2020 within a stipulated time as fixed by this Court.

For Petitioner	: Mr.S.M.Mohan Gandhi
For Respondent	: Mr.M.Muniya Samy
	Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondent to issue patta in favour of the petitioner based on the representation dated 11.09.2020, within the stipulated time as fixed by this Court.

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

3. Heard the learned counsel for the petitioner as well as Mr.M.Muniya Samy, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

4.According to the petitioner, her father, namely, Nathu K.Patel has purchased some lands in various survey numbers. After purchasing the aforesaid lands, the petitioner and her father have got possession of the same. While so, the petitioner has executed a power of attorney in favour of her father through a registered General Power of Attorney bearing Document No.48 of 2016 on 06.04.2016, giving power to deal with the properties and develop the same. However, they did not obtain patta in their name. Therefore, in order to change the patta in the name of the petitioner, her father has given an application on 07.07.2019 to the respondent. However, the respondent has not taken any steps to issue patta in favour of the petitioner. Thereafter, on 11.09.2020, her father has made another representation to issue patta in favour of the petitioner. Though the petitioner is the rightful owner of the aforesaid lands, she has not been issued with patta. Since no



efforts have been taken, the petitioner has approached this Court, seeking aforesaid prayer.

5. This Court, without going into the merits of the case, directs the respondent to survey the property of the petitioner, after affording opportunity to the petitioner as well as the interested parties and the persons, who are likely to be affected. 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 three (3) months 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.

6. If the persons like the present petitioner, who are seeking to survey the land do not disclose the other persons, who are interested, they must file an affidavit that there are no third parties involved in the issue concerned and also there are no interested parties. In case, at a later point of time if the fact came to light that there is any interested parties, the decision taken by the authority in favour of the petitioner will stand automatically cancelled. Further, the averments made in the affidavit shall be reflected in their order so that the officer will not face any problem at a later point of time. More over, for filing a false affidavit, if appropriate action is taken, the person concerned will have to face imprisonment rather than fine.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

TO BE SUBSTITUTED BY ORDER DATED 17.12.2020



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
The Tahsildar,
Triuchirapalli (West),
Triuchirappalli.

+1 CC to Mr.S.M.MOHAN GANDHI, Advocate SR.No. 20835

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