



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.16564 of 2020

V.Ramamoorthi

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildhar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

3.The Village Administrative Officer,
Oomathandu Village,
Oomathanadu, Peravurani Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to issue separate Patta to the petitioner in Survey No.301/12A situated at Oomathanadu Village, Oomathanadu, Peravurani Taluk, Thanjavur District on the basis of his representations dated 08.06.2017 and 25.07.2020 within the stipulated time.

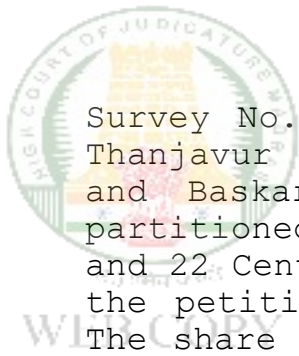
For Petitioner	: Mr.A.C.Asaithambi
For respondents	: Mr.S.Angappan
	Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ Petition directing the second respondent to issue separate Patta to the petitioner in respect of Survey No.301/12A situated at Oomathanadu Village, Peravurani Taluk, Thanjavur District on the basis of his representations dated 08.06.2017 and 25.07.2020 within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate, who took notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3.The learned Counsel appearing for the petitioner would submit that the property measuring to an extent of 71 cents in



Survey No.301/5 situated at Oomathanadu Village, Peravurani Taluk, Thanjavur District, was originally belonged to Venkitachala Pakther and Baskaran @ Chandrasekara Pakther. The said property was partitioned between them as 49 cents belongs to Venkitachala Pakther and 22 Cents belongs to Baskaran @ Chandrasekara Pakther and thereby the petitioner got the share of 49 cents of Venkitachala Pakther. The share of 22 cents of Baskaran @ Chandrasekara Pakther was sold to one Udaiappa Thevar who in turn sold the same to the petitioner on 10.10.1953 and thereby the entire property of 71 Cents in Survey No.301/5 has been in possession and enjoyment of the petitioner. During the UDR scheme, the said Survey No.301/5 was subdivided as Survey No.301/12A and 301/12B and a joint patta was issued in respect of Survey No.301/12A in the name of the petitioner and one Viruthachala Pakther, S/o.Sambasiva Pakther as Patta No.1691. Therefore, the petitioner made a representation on 08.06.2017 seeking issuance of separate patta and as there was no response, he made another representation on 25.07.2020 to the second respondent. Even thereafter there was no response from the second respondent. Hence, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances, the second respondent is directed to consider the representation of the petitioner, dated 25.07.2010 and pass appropriate orders in accordance with law, after hearing the petitioner 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 persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of 90 days from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same. The directions given in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 13.10.2020 should be followed wherever it is applicable.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildhar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

3.The Village Administrative Officer,
Oomathandu Village,
Oomathanadu, Peravurani Taluk,
Thanjavur District.

+1 CC to M/s.GP (SR-22973[F] dated 26/11/2020)

**W.P (MD) No.16564 of 2020
24.11.2020**

**PM(CO)
AP(14/12/2020) 3P 5C**