



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.16980 of 2020

P.Ramasamy

...Petitioner

-Vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Savalaperi Village,
Kayathar 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 joint patta in the name of Govindhan, Mottayan and Ramasamy by considering the representation dated 08.10.2020 within a time stipulated by this Court.

For Petitioner : Mr.K.Mahalakshmi
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition has been filed to direct the second respondent to issue joint patta in the name of Govindhan, Mottayan and Ramasamy by considering the representation dated 08.10.2020 within a time stipulated by this Court.

2. Mr.K.P.Krishnadoss, learned Special Government Pleader, accepts notice for the respondents.

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

4. According to the petitioner, the property situated in Savalaperi Village, Kayathar Taluk, Thoothukudi District in Survey No.20/2 to an extent of 1 Acre 76 cents was purchased by the petitioner along with his brothers. From the date of purchase, the petitioner is in peaceful possession and enjoyment of the property. Seeking joint patta to the said land, the petitioner filed an application. Since no action has been taken, the petitioner submitted a solicited representation on 08.10.2020 to the respondents



seeking joint patta. The same was not considered till date. Hence, the petitioner is before this Court with the aforesaid prayer.

5. When the matter is taken up for hearing, the learned Special Government Pleader appearing respondents would submit that notice of enquiry has already been issued to the petitioner on 15.11.2020 and orders will be passed on the representation of the petitioner shortly.

6. The petitioner has mentioned some individuals in the prayer itself. But they are not made as a party to this proceedings. This Court makes it very clear that when the petitioner has mentioned some individuals in the prayer itself, he has to make them also as party.

7. In view of the above submission made by the learned Special Government Pleader, without going into the merits of the matter, this Court directs the respondents to decide whether joint patta can be issued to the petitioner by conducting thorough survey of the property after affording opportunity to the parties, who are interested with regard to the property in question. 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.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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



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.

WEB COPY

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Savalaperi Village,
Kayathar Taluk,
Thoothukudi District.

+1 CC to M/s.GP (SR-23348[F] dated 30/11/2020)

W.P. (MD) No.16980 of 2020

27.11.2020

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TR(31.12.2020) 3P 4C