



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.12.2020**

CORAM:

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

WEB COPY

W.P(MD)No.17202 of 2020

P.Alagammal

... Petitioner

Vs.

1.The District Collector,
Trichy,
Trichy District.

2.The Tahsildar,
Marungapuri Taluk,
Trichy District.

3.The Taluk Surveyor,
Survey and Land Records Department,
Marugapuri Taluk,
Trichy District.

4.Vellaichamy
5.Balasubramani

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to conduct survey and to sub divide the petitioner's property comprised in Survey No.333/1J situated at Keela Paluvanji Village, Marungapuri Taluk, Trichy District and to issue individual Patta in the name of the petitioner based on the sale deed of the petitioner dated 21.03.1986 and on the basis of the petitioner's representation dated 21.10.2020 within a time frame that may be stipulated by this Court.

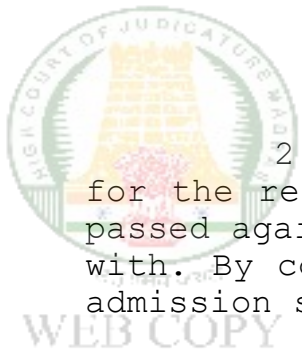
For Petitioner : Mr.R.Pon Karthikeyan

For Respondents 1 to3 : Mr.S.Angappan

Government Advocate

ORDER

This writ petition has been filed for issuance of a direction to the respondents to conduct survey and to sub divide the petitioner's property comprised in Survey No.333/1J situated at Keela Paluvanji Village, Marungapuri Taluk, Trichy District and to issue individual Patta in the name of the petitioner based on the sale deed of the petitioner dated 21.03.1986 and on the basis of the petitioner's representation dated 21.10.2020 within a time frame.



2. Mr.S.Angappan, learned Government Advocate takes notice for the respondents 1 to 3. Since no adverse order is going to be passed against the respondents 4 and 5, notice to them is dispensed with. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner has submitted his representation, dated 21.10.2020 to the respondents, in order to issue separate patta in respect of the land situated in Survey No.333/1J situated at Keela Paluvanni Village, Marungapuri Taluk, Trichy District, since the petitioner's vendors/respondents 4 and 5 herein, name are also reflected in the joint patta. But, the said representation was not considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Considering the facts and circumstances, the respondents, more particularly the third respondent is directed to consider the representation of the petitioner, dated 21.10.2020 and pass appropriate orders and in accordance with law, after hearing the petitioner, the respondents 4 & 5 and the persons, who are interested or the persons, who will 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 three months 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. 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.

5. It is needless to mention that neither an order in favour of the petitioner on merits has been passed nor an adverse order against the respondents 4 and 5 has been passed. Therefore, the petitioner cannot contend that adverse order has been passed against the respondents 4 and 5.



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

Sd/-

Assistant Registrar (AS)

// True Copy //

WEB COPY

/ /2020

Sub Assistant Registrar(CS)

PJL

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,
Trichy,
Trichy District.

2.The Tahsildar,
Marungapuri Taluk,
Trichy District.

3.The Taluk Surveyor,
Survey and Land Records Department,
Marugapuri Taluk,
Trichy District.

+1 CC to M/s.R. PON KARTHIKEYAN, Advocate (SR-23573[F] dated 02/12/2020)

W.P (MD)No.17202 of 2020
01.12.2020

SJ(CO)
KB(17.12.2020) 3P 5C