



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.12.2020**

CORAM:

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

W.P (MD) No.17374 of 2020

WEB COPY

Periyanayagi

... Petitioner

Vs.

1.The Tahsildar,
Office of the Taluk Office,
Pattukottai Taluk,
Thanjavur District.

2.The Taluk Surveyor,
Pattukottai 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 respondents to consider the petitioner's application dated 01.10.2020 and to survey the land and fix the boundaries to it in Survey No.155/5 vide Patta No.124 measuring an extent of 0.26.5 ares situated at Thittakudi Village, Pattukottai Taluk, Thanjavur District within the time stipulated by this Court.

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

ORDER

This writ petition has been filed for issuance of a direction to the respondents herein to survey the petitioner's land situated in Survey No. 155/5 comprising Patta No.124 to the extent of 0.26.5 ares situated at Thittakudi Village, Pattukottai Taluk, Thanjavur District, based on the petitioner's application dated 01.10.2020, within a stipulated time.

2. Mr.K.P.Krishnadoss, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner has submitted his representation, dated 01.10.2020 to the respondents, in order to issue patta in respect of the land situated in Survey No.155/5 comprising Patta No.124 to the extent of 0.26.5 ares situated at Thittakudi Village, Pattukottai Taluk, Thanjavur District. 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 second respondent is directed to consider the representation of the petitioner, dated 01.10.2020 and pass appropriate orders and in accordance with law, after hearing the petitioner and 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. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.S)

// True 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 Tahsildar,
Office of the Taluk Office,
Pattukottai Taluk,
Thanjavur District.

2.The Taluk Surveyor,
Pattukottai Taluk,
Thanjavur District.

+1 CC to the SPL GP (SR-23935[F] dated 03/12/2020)

W.P (MD) No.17374 of 2020

MA (CO)

CS(17.12.2020) 3P 4C