



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P. (MD) No.17385 of 2020

Selvarani

... Petitioner

Vs.

The Tahsildar,
Natham Taluk Office,
Dindigul District.

... Respondent

Prayer: Writ Petition is 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 with respect to the property in Survey No.130/5, situated at Natham Village, Natham Taluk, Dindigul District on the basis of the petitioner's representation dated 02.11.2020 within the time frame fixed by this Court.

For Petitioner	: Mr.K.Arunraj
For Respondent	: Mr.S.Angappan
	Government Advocate

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondent to issue patta in favour of the petitioner with respect to the property in Survey No.130/5, situated at Natham Village, Natham Taluk, Dindigul District on the basis of the petitioner's representation dated 02.11.2020 within the time frame fixed by this Court.

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

3. Mr.S.Angappan, learned Government Advocate accepts notice on behalf of the respondent.

4. According to the petitioner, land situated in Survey No.130/5 to an extent of 0.01.50 Ares in Patta No.378, situated at Natham Village, Natham Taluk, Dindigul District is the ancestral property of the petitioner. After the demise of her father, the petitioner and her brother Sekar were in possession and enjoyment of the same. After the demise of her brother, Sekar, his wife, namely, Mallika Sundaram and his son Mithursan are the legalheirs of her brother and they are in joint possession and enjoyment of the said property. But the patta still stands in the name of the petitioner's father and in this regard, the petitioner made a representation to the respondent on 02.11.2020. However, the same has not been considered so far. In such circumstances, the petitioner has



approached this Court.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Natham Taluk Office,
Dindigul District.

+1 cc to Mr.K.ARUNRAJ ,Advocate, SR No.23805

+1cc to M/s.Special Government Pleader, SR No.23893

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02.12.2020

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