



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.17804 of 2020

Udaiyappan

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to pass orders on the petitioner's patta application dated 07.11.2020 for granting patta in Survey No.101 measuring to an extent of 1 acre 49 cents in the Kollukkadu Village, Pattukkottai Taluk, Thanjavur District in favour of the petitioner and his brother within the stipulated time as fixed by this Court.

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

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondent to pass orders on the petitioner's patta application dated 07.11.2020 for granting patta in Survey No.101 measuring to an extent of 1 acre 49 cents in the Kollukkadu Village, Pattukkottai Taluk, Thanjavur District in favour of the petitioner and his brother within the stipulated time as 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.K.P.Krishnadoss, learned Special Government Pleader accepts notice on behalf of the respondents.

4. According to the petitioner, the petitioner's father purchased the property in Survey Nos. 101/34,33,30,43 and Survey Nos.101/14,26,27,28,29 measuring to a total extent of 1 acre 49 cents situated in Kolukkadu Village, Pattukkottai Taluk, Thanjavur District. After the demise of his father, the petitioner and his brother alone the legal heirs of his brother and the said property is in possession and enjoyment of both of them. For getting patta for the above said property the petitioner and his brother made a representation to the respondent no 07.11.2020. 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 third 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. The second respondent is also directed to submit a report to the first respondent in this regard as per his proceedings dated 19.03.2018.

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. Accordingly, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar(AS)

// 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 District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

+1 CC to M/s.GP (SR-24662[F] dated 09/12/2020)

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KVN(CO)

TR(22.12.2020) 3P 5C