



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.12.2020
CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17984 of 2020

S.Sannasi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Karaikudi,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 14.11.2019 for issuance of Patta in the petitioner's name within a stipulated time as fixed by this Court.

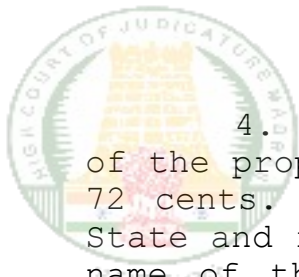
For Petitioner : Mr.C.Jeyaprakash
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the third respondent to consider the representation of the petitioner dated 14.11.2019 for issuance of Patta in the petitioner's name within a 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 accents notice on behalf of the respondents.



4. According to the petitioner, the petitioner is the owner of the property in Survey No.9/5 in Meenavayal to an extent of 1Acre 72 cents. Out of which 86 cents of land has been acquired by the State and for the remaining 86b cents Patta has been received in the name of the third parties and it has been classified as Survey No.9/5B. Aggrieved by the same, the petitioner sent a representation to the respondents on 14.11.2019 to issue patta in his name and the said representation was forwarded by the second respondent to the third respondent long way back. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. When the matter is taken up, the learned Special Government Pleader would submit that the Revenue Divisional Officer, Devakottai, is the competent authority to pass any orders with respect to the subject property and hence, he asked the Tahsildar, Karaikudi, to conduct enquiry and submit a report, vide his communication dated 11.03.2020 and he has also produced a copy of the said communication before this Court.

6. This Court without going into the merits of the case, directs the fourth respondent to survey the property of the petitioner, after affording opportunity to the petitioner as well as the interested parties or 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.

7. 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.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

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,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Sivagangai,
Sivagangai District.
3. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
4. The Tahsildar,
Karaikudi,
Sivagangai District.

+1cc to Mr.C.Jeyaprakash, Advocate, SR.No.24589.

+1cc to Spl GP SR.No.24891.

W.P. (MD) No.17984 of 2020
09.12.2020

MA (CO)

CS (05.01.2021) 3P 7C