



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18042 of 2020

A.Uthandan

... Petitioner

Vs.

1.The State represented by
The District Collector,
Trichirappalli.

2.The Tahsildar,
Musiri Taluk,
Trichy District.

3. The Taluk Surveyor,
Taluk Office,
Musiri,
Trichy District.

4.Saroja
5.Parameswari
6.Manikandan
7.Dharmaraj
8.Dhanapriya
9.Rajaneedhi
10.Bagavathi
11.Subramanian
12.Murali

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 21.08.2020 and sub-divide the property and issue separate patta in the name of the petitioner in respect of the properties comprised in S.F.No.414/19, 394/4, 416/1A, 414/20 and a house property situated in S.F.No.436/6C1 all situated at Pulivalam, Musiri Taluk, Trichy District.

For Petitioner

: Mr.V.Singan

For Respondents 1 to 3

: Mr.M.Pandiya Rajan

Additional Government Pleader



ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents 1 to 3 to consider the representation of the petitioner dated 21.08.2020 and sub-divide the property and issue separate patta in the name of the petitioner in respect of the properties comprised in S.F.No.414/19, 394/4, 416/1A, 414/20 and a house property situated in S.F.No.436/6C1 all situated at Pulivalam, Musiri Taluk, Trichy District.

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

3. Mr.M.Pandiya Rajan, learned Special Government Pleader accepts notice on behalf of the respondents. Since no adverse order is going to be passed against the respondents 4 to 12, notice to them is dispensed with.

4. The case of the petitioner is that the petitioner partitioned the properties comprised in S.F.No.414/19, 394/4, 416/1A, 414/20 and a house property situated in S.F.No.436/6C1 all situated at Pulivalam, Musiri Taluk, Trichy District along with his mother and his brother under registered Partition Deed dated 08.12.2006 and the partition deed "D" schedule property has been allotted to the petitioner and he is in possession and enjoyment of the same. Therefore, the petitioner submitted necessary application/representation on 21.08.2020 to the second respondent to sub-divide the property and to issue patta in his name and he has also paid necessary charges on the same day. 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 and without passing any adverse orders against the respondents 4 to 12, directs the third 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.

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.

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, Trichirappalli.
2. The Tahsildar, Musiri Taluk, Trichy District.
3. The Taluk Surveyor, Taluk Office,
Musiri, Trichy District.

+1cc to the Spl GP SR.No.24899.

W.P. (MD) No.18042 of 2020
09.12.2020

MA (CO)

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