



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18739 of 2020

K.R.Srinivasan

... Petitioner

Vs.

The Special Tahsildar,
Nagara Nilavari Thittam,
Ponmalai Division,
Trichy.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to grant patta in favour of the petitioner based on the petitioner's representation dated 19.08.2020.

For Petitioner	: Mr.C.Vakeeswaran
For Respondent	: Mr.S.Angappan
	Government Advocate

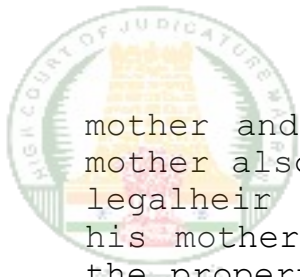
ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondent to grant patta in favour of the petitioner based on the petitioner's representation dated 19.08.2020.

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, the property comprised in Survey Nos.165/2 and 165/3 in Town Survey No.33/1 to an extent of 89 cents in Kottapatti Village, Trichy District belonged to his grandfather and patta was in the name of his grandfather. Thereafter, the said property was shared by the two legal heirs of his grandfather, namely the petitioner's father Ramasamy and his son Srinivasan. After the demise of the petitioner's father, his



mother and the petitioner are the legal heirs and subsequently, his mother also died on 06.09.2019 and hence, the petitioner is the only legal heir of his father's property. On 15.05.2001, the petitioner, his mother and the legal heirs of the said Marimuthu have alienated the property in Survey Nos.165/2 and 165/3 to an extent of 22 cents out of 89 cents. Later, an oral family arrangement was made between the petitioner's family members. Thereafter, the property in Survey Nos.165/2 and 165/3 to an extent of 67 cents vested with the petitioner. Hence, the petitioner made a representation dated 19.08.2020 to the respondent to grant patta in his name. 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 other 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.



WEB COPY

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

Sd/-

Assistant Registrar (CS-III)

// 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

The Special Tahsildar,
Nagara Nilavari Thittam,
Ponmalai Division,
Trichy.

+1cc to the SPL GP SR.No.26718.

+1cc to Mr.C.Vakeeswaran Advocate, SR.No.26564.

**W.P. (MD) No.18739 of 2020
18.12.2020**

(CO)

CS(07.01.2021) 3P 4C