



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) Nos. 6392 and 6366 of 2018

Maruthupandi ... Petitioner in W.P.(MD)No.6392 of 2018

V.Jebakumar Thangaraj ... Petitioner in W.P.(MD)No.6366 of 2018

-Vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
V.K.Pudur Taluk,
Tirunelveli District.

... Respondents in both Wps.

Common Prayer: Writ Petitions are filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to issue separate patta to the petitioners in Survey No.440/3 Hectare 2.23 Acre 5.52 patta No.742 situated at Uthumalai Village, Uthumalai Sub Registrar Office, Tenkasi Sub District based on the petitioners' representation dated 12.02.2018.

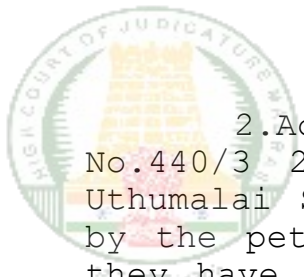
For Petitioner : Mr.M.Sankar
(in both Wps.)

For Respondents : Mr.M.Muniyasamy,
Additional Government Pleader.
(in W.P.(MD)No.6392 of 2018)

For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader.
(in W.P.(MD)No.6366 of 2018)

COMMON ORDER

The petitioners have come forward with these Writ Petitions, seeking a direction to the respondents to issue separate patta to the petitioners in Survey No.440/3 Hectare 2.23 Acre 5.52 patta No.742 situated at Uthumalai Village, Uthumalai Sub Registrar Office, Tenkasi Sub District, based on the petitioners' representation dated 12.02.2018.



2. According to the petitioners, the property in Survey No.440/3 2.23 Hectare 5.52 Acre situated at Uthumalai Village, Uthumalai Sub Registrar Office, Tenkasi Sub District was purchased by the petitioners on 04.03.2011. After purchasing the property, they have registered the same before the Uthumalai Sub Registrar Office, Tirunelveli District in Document No.389 of 2017 and got joint patta in Patta No.742. Thereafter, the petitioners have approached the authorities for issuance of separate patta, hence, made a representation to the respondents on 12.02.2018. Since no effective steps have been taken so far, they have approached this Court seeking aforesaid prayer.

3. The learned counsel appearing for the petitioners would submit that already sub division has taken place.

4. The learned Additional Government Pleader for the respondents would submit that a portion of the land belongs to the Vinayagar Temple. Unless or otherwise survey is conducted and documents are scrutinized, it will not be possible to issue separate patta.

5. The facts stated supra are not in dispute. Since there is a joint patta in the name of several persons and that in case there is a sub division with regard to the property, the petitioners would be entitled to get separate patta, provided that the property in question for which patta sought for does not belong to temple or any other public place. A decision in this regard shall be taken by the authority, within a period of three months from the date of receipt of a copy of this order, after affording opportunity to the petitioners as well as other persons, who are likely to be affected. At the time of issuance of patta, the guidelines issued by this Court in W.P.(MD) Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed.

6. Accordingly, these Writ Petitions stand disposed of. No costs.

Sd/-

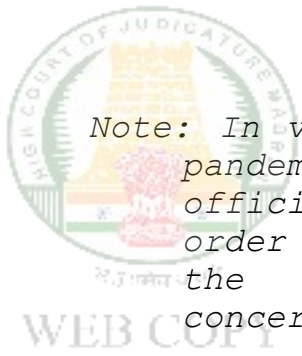
Assistant Registrar (RTI)

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Sub Assistant Registrar (CS)

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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,
Tirunelveli District, Tirunelveli.
2. The Tahsildar,
V.K.Pudur Taluk, Tirunelveli District.

+1cc to the SPL GP SR.No.22413.

Order made in
W.P. (MD) Nos.6392 and 6366 of 2018
19.11.2020

SV2 (CO)
CS (27.11.2020) 3P 4C