



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.31913 & 31914 of 2019

M.Kannan .. Petitioner in W.P.No.31913/2019

M.Ravi .. Petitioner in W.P.No.31914/2019

Vs.

1. The District Collector,  
O/o District Collectorate,  
Villupuram District,  
Villupuram.
2. The Revenue Divisional Officer,  
Tindivanam,  
Tindivanam Taluk,  
Villupuram District.
3. The Tahsildar,  
Melmalayanur Taluk,  
Melmalayanur,  
Villupuram District.
4. The Firka Surveyor,  
O/o Taluk Office Melmalayanur,  
Melmalayanur Taluk,  
Villupuram District.
5. The Village Administrative Officer,  
Ethappattu Revenue Village,  
Melmalayanur Taluk,  
Villupuram District. .. Respondents in both the WPs

Prayer in W.P.No.31913 of 2019: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the third respondent herein to dispose of petitioner patta transfer application made online vide Application No.2019/0105/07/231399 dated 11.10.2019 and consequently issue patta in Survey Nos.267/1B - Acre 0.16 Cent, 267/1F - Acre 0.26 1/2 Cent, 267/1M - Acre 0.28 1/2 Cent, 266/1A - Acre 0.20 1/4 Cent, 266/1A - Acre 0.10 Cent and 267/1D - Acre 0.03 1/4 Cent totally an extent of Acre 1.04 1/2 Cent, situated at Ganapathipuram Village, Karadikuppam Madura, Ethappattu Revenue Village, Melmalayanur Taluk, Villupuram District in favour of the petitioner herein within the time frame fixed by this Court.



Prayer in W.P.No.31914 of 2019: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the third respondent herein to dispose of petitioner patta transfer application made online vide Application No.2019/0105/07/231396 dated 11.10.2019 and consequently issue patta in Survey Nos.266/1A - Acre 0.10 Cent, 266/1A - Acre 0.50 3/4 Cent, 267/1D - Acre 0.40 1/2 Cent, 267/1D - Acre 0.03 1/4 Cent, totally an extent of Acre 1.04 1/2 Cent, situated at Ganapathipuram Village, Karadikuppam Madura, Ethappattu Revenue Village, Melmalayanur Taluk, Villupuram District in favour of the petitioner herein within the time frame fixed by this Court.

For Petitioners : Mr.N.Elumalai  
in both the WPs

For Respondents : Mr.K.M.D.Muhilan,  
in both the WPs Government Advocate

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#### C O M M O N O R D E R

(The case has been heard through video conference)

Since both the writ petitions have been preferred on the same set of facts, submissions being common, they are taken up together and disposed of by means of this common order.

2. According to the petitioners, they along with their family members, entered into a registered partition on 02.06.2016 and the co-owners were allotted separate properties with specific boundaries. Thereafter, the petitioners made applications to the third respondent Tahsildar to issue patta as per the partition deed. However, the third respondent Tahsildar issued patta in respect of certain survey numbers and refused in respect of some survey numbers stating that boundaries are not clear. In such circumstances, the petitioners once again made a representation to the third respondent Tahsildar to issue patta as per the partition deed. Since no orders have been passed, they filed the present writ petitions.

3. The third respondent Tahsildar filed counter affidavit stating that in respect of some survey numbers, the petitioners were not in actual possession to the extent as alleged in the partition deed and the boundaries are also not clearly given. Hence, the third respondent was not in a position to issue patta.

4. Heard the learned counsel on either side and perused the documents carefully.

5. Admittedly, the parties have entered into a partition. There is no quarrel with regard to the extent of the property allotted to each co-sharers. In such circumstances, the third



respondent Tahsildar cannot go into the actual possession of the property between the parties and he is only expected to issue patta for the extent in each Survey number as per the extent mentioned in the registered partition deed. In such circumstances, the third respondent Tahsildar is directed to conduct fresh enquiry by issuing notice to all the co-sharers, who are parties in the registered partition deed, and after hearing them, the third respondent Tahsildar is directed to pass orders for issuing patta. The above exercise is directed to be conducted within eight weeks from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
O/o District Collectorate,  
Villupuram District,  
Villupuram.
2. The Revenue Divisional Officer,  
Tindivanam,  
Tindivanam Taluk,  
Villupuram District.
3. The Tahsildar,  
Melmalayanur Taluk,  
Melmalayanur,  
Villupuram District.
4. The Firka Surveyor,  
O/o Taluk Office Melmalayanur,  
Melmalayanur Taluk,  
Villupuram District.
5. The Village Administrative Officer,  
Ethappattu Revenue Village,  
Melmalayanur Taluk,  
Villupuram District.

+2ccs to Mr.N.Elumalai, Advocate SR.No. 29998 & 29999

W.P.Nos.31913 & 31914 of 2019

PV(CO)

B.VC(19.07.2021)

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