



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.16854 of 2021

R.Gandhi

... Petitioner

Vs.

1.The District Collector,
Office of The District Collector,
Tiruchirappalli District.

2.The Tasildhar,
Thuraiyur Taluk,
Thuraiyur,
Tiruchirappalli District.

3.The Surveyor,
Thuraiyur Taluk,
Thuraiyur,
Tiruchirappalli District.

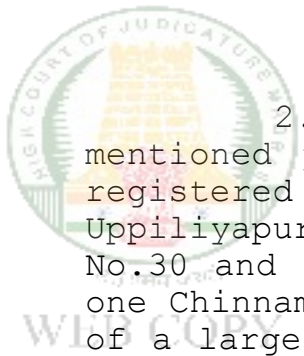
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to survey, demarcate and issue separate patta to the petitioner in respect of the petitioner's property situate in Thuraiyur Taluk, Karapudaiyanpatti Village, Thuraiyur Taluk, Trichy District in Survey No.28/1 in Patta No.151 an extent of 3 acres and 34 cents, and in Survey No.28/3 in Patta No.30 an extent of 5 acres and 40 cents as per the petitioner's application dated 05.07.2020 in application No.2021/0105/15/139757 and as per the documents.

For Petitioner : Mr.N.S.Karthikeyan
For Respondents : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks a direction to the second respondent to survey, demarcate and issue a separate patta to him in respect of the properties bearing Survey No.28/1 of an extent of 3 Acres and 34 Cents and Survey No.28/3 of an extent of 5 Acres and 40 Cents.



2. The petitioner states that he purchased the above mentioned property under a sale deed dated 05.03.2018, which was registered as Document No.401/2018 on the file of the Sub-Registrar, Uppiliyapuram, Trichy District. Thereafter, it is stated that Patta No.30 and Patta No.151 were issued in the names of the petitioner, one Chinnammal and one Chandra Bose. The said pattas are in respect of a larger extent than that purchased by the petitioner under the sale deed dated 05.03.2018.

3. Therefore, in order to survey, demarcate and issue a separate patta to the petitioner, an application was submitted on 05.07.2021. The present Writ Petition is filed in view of the failure of the second respondent to act on such application.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's application may be considered and disposed of after putting the joint pattadhars on notice.

5.The petitioner has enclosed a copy of the sale deed dated 05.03.2018 in his favour. The schedule to the said sale deed indicates that it is in respect of Survey No.28/3 of an extent of 5.4 Acres and Survey No.28/1 of an extent of 3.34 Acres. The petitioner has also enclosed Patta No.30. The said patta relates to the property bearing Survey No.28/3 of an extent of 2.18.50 Hectares, and is in the name of the petitioner and one Chinnammal. In addition, Patta No.151 has been enclosed. The said patta is in respect of the property bearing Survey No.28/1 of an extent of 1.35.00 Hectares. This patta is in the name of the petitioner, one Chinnammal and one Chandra Bose. On the basis of title and revenue documents produced by the petitioner, the petitioner is entitled to the consideration of his application. However, it is necessary to put the joint pattadhars under Patta No.151 and Patta No.30 on notice before the petitioner's application is decided. In fact, before the grant of a separate patta, sub-division of the relevant property would be necessary and the objections of the joint pattadhars, if any, to such sub-division should be considered before a decision is taken in such regard.

6. Accordingly, the second and third respondents herein are directed to consider the petitioner's application dated 05.07.2021 and dispose of the same by undertaking the survey and issuing the separate patta to the petitioner or in case the second respondent is not inclined to undertake the survey or issue a separate patta, by issuing a reasoned order in such regard to the petitioner. Such exercise shall be undertaken after providing a reasonable opportunity to the petitioner and the joint pattadhars and completed within a period of three (3) months from the date of receipt of a copy of this order.



7.W.P.(MD)No.16854 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

rm/nsr

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,
Office of The District Collector,
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Thuraiyur,
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Thuraiyur Taluk,
Thuraiyur,
Tiruchirappalli District.

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-29807[F] dated 21/09/2021)

+1 CC to M/s.SPL.GP (SR-29873[F] dated 22/09/2021)

W.P(MD)No.16854 of 2021
21.09.2021

MGJ(29.09.2021) 3P 6C