



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.18271 of 2021

WEB COPY

R.Karuppaiah

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.

2. The Tahsildar,
Office of the Taluk Office,
Natham Taluk,
Dindigul District.

3. The Taluk Surveyor,
Natham Taluk Office,
Natham,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to survey the petitioner above said property comprised old Survey No.155/5, New Survey No.155/5D situated at Uluppangudi, Punnappatti Village, Natham Taluk, Dindigul District and to issue joint patta in the petitioner name and in the names of legal heirs of the petitioner father on the basis of the petitioner representation dated 15.09.2021 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu.

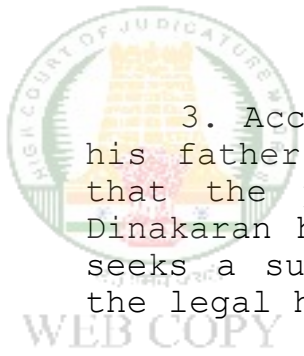
For Respondents : Mr.P.Subbaraj

Counsel for the State

O R D E R

The petitioner seeks a survey and the issuance of a joint patta in respect of the property bearing old Survey No.155/5, new Survey No.155/5D at Uluppangudi, Punnappatti Village, Natham Taluk, Dindigul District.

2. The petitioner states that his father, Ramasamy Servai, purchased the above mentioned property of an extent of 86 cents. It is stated that such property was purchased under a registered sale deed dated 06.07.1959 bearing Document No.1204 of 1959. The petitioner points out that his father had three sons and three daughters.



3. According to the petitioner, the patta was issued earlier in his father's name under Patta No.2236. Subsequently, it is stated that the petitioner was shocked to find that the name of one Dinakaran has been included in the patta. Therefore, the petitioner seeks a survey, sub-division and the issuance of a joint patta to the legal heirs of his father.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He points out that a notice was issued in relation to survey of the property to Ramasamy, Mala, K.Dinakaran and K.Raja. He also points out that the petitioner has requested for a separate patta under his representation.

5. The petitioner has enclosed a copy of registered sale deed dated 06.07.1959. He has also enclosed a copy of Patta No.2236. Such patta pertains to the property bearing Survey No.155/5D of an extent of 0.35.50 Hectares. The pattadars are Ramasamy, Kandasamy and Dinakaran. Consequently, the joint pattadars or their legal heirs should be put on notice before a decision is taken on the petitioner's request for survey.

6. As regards the issuance of a joint patta, such joint patta may be issued in the names of the legal heirs of Ramasamy, i.e. the petitioner's father, provided the other joint pattadars names are also included. On the other hand, if the petitioner seeks the deletion of the name of Dinakaran from the joint patta, the petitioner should file an appeal in such regard before the jurisdictional Revenue Divisional Officer.

7. Subject to the above observations, the second respondent is directed to consider the petitioner's request for a survey and act in response thereto after providing a reasonable opportunity to the petitioner, the other legal heirs of Ramasamy, the joint pattadars under Patta No.2236 or their legal heirs and the owners of adjoining properties whose boundaries may be affected by the conduct of the survey. Pursuant thereto, either the survey should be concluded or a reasoned communication indicating reasons for refusal to do so should be issued within a period of three months from the date of receipt of a copy of this order.

8. W.P(MD).No.18271 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Dindigul District,
Dindigul.
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Natham Taluk,
Dindigul District.
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Natham,
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+1 CC to M/s.SPL.GP (SR-31936[F] dated 11/10/2021)

W.P. (MD) No.18271 of 2021
08.10.2021

KMK (CO)
KB (21.10.2021) 3P 5C