



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.19166 of 2020 and

W.M.P.(MD)No.16024 of 2020

WEB COPY

Jeyalakshmi

... Petitioner

vs.

1. The Tahsildar,
Aruppukottai Taluk,
Aruppukottai, Virudhunagar District.

2. The Taluk Surveyor (Land Survey),
Tahsildar Office,
Aruppukottai, Virudhunagar District.

3. The Village Administrative Officer,
Kulloor Santhai, Aruppukottai Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in his proceedings No.Mu.Tha.Pi.Ma.No.10993529 A6/2911/2020, dated 30.0.2020 quash the same and consequently issue direction to the respondents 1 and 2 to survey the petitioner's Plot Nos.3 and 4 to an extent of 1480 Sq.Ft., respectively in S.No.68/3V (0.07.5 Hectare) situated at 1st Ward, Kulloor Sandhai Village, Aruppukottai Taluk, Virudhunagar District, to mark the four boundaries by putting survey stone, issue separate patta to the petitioner.

For Petitioner :Mr.T.Balaji

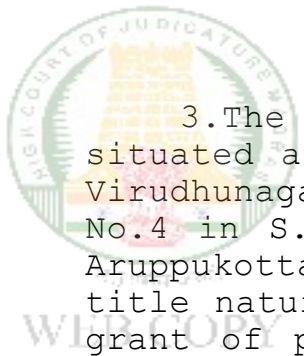
For Respondents :Mr.D.Ghandiraj

Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order, dated 30.0.2020, in No.Mu.Tha.Pi.Ma.No.10993529 A6/2911/2020, passed by the first respondent and for a direction to the respondents 1 and 2 to survey the petitioner's Plot Nos.3 and 4 in S.No.68/3V (0.07.5 Hectare) situated at 1st Ward, Kulloor Sandhai Village, Aruppukottai Taluk, Virudhunagar District, to mark the four boundaries by putting survey stones and to issue separate patta to the petitioner.

2.Heard Mr.T.Balaji, learned Counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader appearing for the respondents.



3.The petitioner had purchased Plot No.4 in S.No.68/3V situated at 1st Ward, Kulloor Sandhai Village, Aruppukottai Taluk, Virudhunagar District, on 09.03.2000. She had also purchased Plot No.4 in S.No.68/3V situated at 1st Ward, Kulloor Sandhai Village, Aruppukottai Taluk, Virudhunagar District, on 09.08.2000. The title naturally vests with the petitioner herein. She applied for grant of patta. That grant of patta was rejected by the first respondent holding out that a suit was pending in O.S.No.196 of 2016.

4.It is the contention of the learned Counsel for the petitioner that the petitioner is neither the plaintiff nor the defendant in the said suit. More over, neither is S.No.68/3V both in Plot Nos.3 and 4, the properties mentioned in the schedule to the said plaint. It is stated that the neighbours have a dispute over putting up a septic tank in the pathway. The petitioner is not interested either in the septic tank or in the pathway and has no interest over the manner in which the suit is to be decided.

5.In view of that specific statement made by the learned Counsel for the petitioner, the order now impugned is set aside.

6.A direction is issued to the first respondent, to with the help of the Respondents 2 and 3, identify the property of the petitioner, identify the property mentioned in the schedule to the plaint in O.S.No.196 of 2016 pending on the file of the District Munsif Court, Aruppukottai, and if they are different, proceed further to grant patta to the petitioner.

7.The petitioner may file a fresh online application through proper procedure paying necessary charges. Let the first respondent issue notice not only to the petitioner, but also to the plaintiff and defendant in the said suit and thereafter, do the necessary needful, but, at any rate, complete the work within a period of twelve weeks from the date of receipt of either the fresh online application filed by the petitioner or a copy of this order.

8.With the said observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Tahsildar,
Aruppukottai Taluk,
Aruppukottai, Virudhunagar District.

2. The Taluk Surveyor (Land Survey),
Tahsildar Office,
Aruppukottai, Virudhunagar District.

3. The Village Administrative Officer,
Kulloor Santhai, Aruppukottai Taluk,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-38315[F] dated 13/12/2021)

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-38395[F] dated 13/12/2021)

W.P. (MD) No.19166 of 2020
and
W.M.P. (MD) No.16024 of 2020

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