



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.19129 of 2021

1.K.Yuvaraj

2.A.Vani

3.Dhanabakiyam

... Petitioners

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Assistant Director of Survey & Land Records,
Dindigul District.

4.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to survey and sub division of the properties in respect of Survey No.428/1 (New Survey No.428/1A1A) with a total extent of 2 Acres 4 Cents, situated at Virapatchi Village, Oddanchatram Taluk, Dindigul District and thereby direct the respondent to issue separate patta to the petitioners based on their applications dated 18.01.2021 and 21.07.2021 respectively.

For Petitioners : Mr.R.Anandharaj

For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioners are siblings. They seek a survey, sub-division and separate pattas in respect of the property bearing Survey No.428/1 (New Survey No.428/1A1A) of a total extent of 2 acres and 4 cents at Virapatchi Village, Oddanchatram Taluk, Dindigul District.

2. The petitioners trace title to the above mentioned property through a sale deed dated 08.06.1990 under which their father, A.Krishnan, purchased the property from one V.Arumugam. It is stated that the total extent of Survey No.428/1 is 4 acres and 33 cents, out of which the petitioners' father purchased an extent of 2 acres and 4 cents. Thereafter, by three (3) settlement deeds dated 23.12.2009, 11.02.2011 and 11.02.2011, the above mentioned 2 acres



and 4 cents was settled in favour of the three petitioners. The petitioners rely upon a joint patta issued in the name of eight persons, including the petitioners' father.

3. In order to sub-divide and obtain separate pattas in respect of the property, an application was made on 18.01.2021. Since no action was taken thereon, a subsequent application dated 21.07.2021 was filed by remitting the requisite fees. The present Writ Petition is filed in these facts and circumstances.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that there are 7 joint pattadhars in addition to the father of the petitioners. As such, the said joint pattadhars should be put on notice before a decision is taken on the petitioners' application.

5. The petitioners have enclosed a copy of the sale deed dated 08.06.1990. The schedule thereto indicates that the total extent of property is 4 acres and 33 cents out of which the subject matter of purchase is 2 acres and 4 cents. The settlement deed in favour of each of the petitioners is on record. In addition, the petitioners have filed a copy of Patta No.557. The said patta is in respect of the property bearing Survey No.428/1A1. The extent mentioned therein is 1 hectare and 61.86 cents which roughly corresponds to 4 acres and 3 cents. On the basis of these documents, the petitioners have made out a case for the consideration of their applications. However, as pointed out by the learned counsel for the State, it is necessary to put the joint pattadhars on notice since a sub-division would be required for purposes of issuing a separate patta. In addition, since a survey is required, the adjoining land owners whose boundaries may be impacted by the conduct of a survey may have to be put on notice.

6. Accordingly, W.P.(MD).No.19129 of 2021 is disposed of by directing the fourth respondent to consider the petitioners' application dated 21.07.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioners, the joint pattadhars under Patta No.557 and the owners of the adjoining properties whose boundaries may be impacted by the conduct of a survey. The entire exercise shall be concluded within a period of three (3) months from the date of receipt of a copy of this order. There will be no order as to costs.

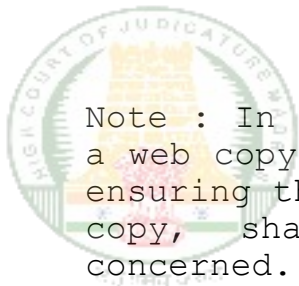
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Revenue Divisional Officer,
Palani,
Dindigul District.
- 3.The Assistant Director of Survey & Land Records,
Dindigul District.
- 4.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

+1 CC to M/s.R. ANANDHARAJ, Advocate (SR-33106[F] dated 28/10/2021)

+1 CC to M/s.SPL.GP (SR-33212[F] dated 29/10/2021)

**W.P (MD) No.19129 of 2021
28.10.2021**

ARK(CO)
GC/JC(12.11.2021) 3P 7C