BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.5573 of 2021

Sri Krishna Trust,
represented by its Trustee
K.Ranganathan,
No.67, 9th Cross Street,
Thirumagal Nagar,
Coimbatore – 641004. ... Petitioner

Vs.

1.The District Revenue Officer,
Collectorate,
Dindigul District,
Dindigul.

2.The Tahsildar,
Kodaikanal,
Dindigul District. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent made in Mu.Mu.No.16702/2020/Aa6 dated 17.11.2020 and quash the same and consequently, direct the respondents to grant patta in respect of the Survey Nos.653/1, 2 and 3 in Vadakounji Village, Kodaikanal Taluk, Dindigul District, measuring an extent of 10 acres covered in the second schedule of property in the registered gift deed, dated 01.03.1998 executed in favour of the petitioner Trust.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel for Mr.T.Antony Arulraj
For Respondents	: Mr.N.Muthuvijayan, Special Government Pleader.

<u>ORDER</u>

The present writ petition has been filed challenging the order passed by the first respondent herein confirming the order passed by the second respondent herein, under which, the request for revenue patta for the writ petitioner Trust for the entire extent of 13.64 acres was rejected, but patta was granted only for a lesser extent of 3.64 acres.

2. According to the learned Senior Counsel for the writ petitioner, the vendor of the writ petitioner Trust had purchased the property in dispute under two sale deeds dated 07.02.1983 and 30.09.1983. Thereafter, the vendor has gifted the said property having an extent of 13.64 acres in favour of the writ petitioner Trust by way of

registered gift deed, dated 01.09.1998 in favour of the writ petitioner Trust.

3. After the property was gifted in favour of the writ petitioner Trust, they have approached the second respondent herein for grant of revenue patta. The second respondent, after going through the records, arrived at a finding that as per the revenue records, the total extent of land in Survey Nos.653/1, 653/2 and 653/3 is only 3.64 acres. Hence, he proceeded to grant patta to the writ petitioner Trust only for an extent of 3.64 acres in patta No.2014.

4. However, in view of the discrepancy with regard to the extent of land, the writ petitioner was directed to approach the first respondent, namely, District Revenue Officer for consideration of patta for the balance extent.

5. Accordingly, the writ petitioner Trust approached the first respondent herein for grant of patta for the balance extent of 10 acres. But the first respondent herein rejected the request of the writ petitioner

for patta on the ground that the total extent of 3 sub divisions is only 3.64 acres and not 13.64 acres. Hence, the said order is under challenge in the present writ petition.

6. The learned Senior Counsel for the writ petitioner submitted that the total extent of Survey Nos.653/1 to 3 is 13.64 acres and not 3.64 acres as contended by the revenue authorities. Merely because some discrepancy has crept in the revenue records the extent of land cannot get reduced.

7. Hence, he contended that the patta should have been granted to the entire extent of 13.64 acres.

8. Per contra, the learned Special Government Pleader appearing for the respondents has contended that the sale deed does not reflect entire extent of property and one of the sale deeds is an unregistered document. He further contended that the total extent in the above said 3 sub divisions is only 3.64 acres and not 13.64 acres.

9. The sequence of events narrated above, clearly indicate that the issue is whether the these 3 sub divisions have total extent of 3.64 acres or 13.64 acres.

10. Unless a proper survey is conducted, this cannot be found out.

11. In view of the above said aspects, this Court passes the following order:-

(1) The impugned order passed by the first respondent in Mu.Mu.No.16702/2020/Aa6 dated 17.11.2020 is set aside and the matter is remitted back to the file of the second respondent herein;

(2) The second respondent is directed to conduct survey to find out the actual extent falling within the Survey Nos.653/1, 653/2 and 653/3; and

(3) Based upon the result of the survey, the second respondent is directed to proceed further and grant patta. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

12. With the above directions, this Writ Petition stands allowed.

05.08.2022

Index : Yes / No
Internet : Yes / No
csm

To

1.The District Revenue Officer,
Collectorate,
Dindigul District,
Dindigul.

2.The Tahsildar,
Kodaikanal,
Dindigul District.

R.VIJAYAKUMAR ,J.

csm

Order made in
W.P.(MD)No.5573 of 2021

05.08.2022