



WEB COPY

W.P(MD)No.20:



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.20299 of 2021

N.Siraj Meeraal

... Petitioner

Vs

1.The District Collector,
Thenkasi District,
Thenkasi.

2. The Revenue Divisional Officer,
Thenkasi circle,
Thenkasi District.

3. The Tahsildar,
Sivagiri Taluk,
Thenkasi District.

4.Mohamed Abbas

5.Seevugaperumal

6.Chithra

7.Muthuselvi
(Respondents 4 to 7 are impleaded
as per the order of this Court
dated 28.10.2022 made in
W.M.P(MD)No.18768 of 2021)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to survey and demarcate the property and issue individual patta in favour of the petitioner with respect of property comprised in S.No.204/3A having area of 720 Sq.feet at 6th ward main road street, Majara Mettupatti, Ramanathapuram village, Sivagiri Taluk, Thenkasi District on the basis of the petitioner's representation dated 29.12.2020.

For Petitioner	: Mr. A.Joseph Jerry
For R1 to R3	: Mr.D.Sadiq Raja Additional Government Pleader
For R5	: Mr.L.Siva
For R6	: Mr.J.Vishnu
For R4 & R7	: No appearance

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the 3rd respondent to survey and demarcate the property and issue individual patta in favour of the petitioner with respect of property comprised in S.No.204/3A having area of 720 Sq.feet at 6th ward main road street, Majara Mettupatti, Ramanathapuram village, Sivagiri Taluk, Thenkasi District on the basis of the petitioner's representation, dated 29.12.2020.



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2. Heard Mr.A.Joseph Jerry, learned counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents 1 to 3, Mr.L.Siva, learned counsel appearing for the fifth respondent and Mr.J.Vishnu, learned counsel appearing for the sixth respondent.

3. The learned counsel appearing for the petitioner would submit that the property originally belonged to one Arunagiri, who left behind one son Kuththalam. The said Kuththalam died leaving behind three male children, namely, 1.Velu 2. Muthaiyah 3. Sevuga Perumal. The petitioner is the daughter of the first son Velu and the second son, namely, Muthaiah has executed the registered sale deed in her favour vide document No.30/2008, dated 05.01.2018. After the execution of the sale deed, she is the original owner of the said property having comprised in S.No.204/3A having area of 720 sq.feet at 6th ward main road street, Majara Mettupatti, Ramanathapuram Village, Sivagai Taluk, Thenkasi District. She approached the second respondent to change the patta in her name on the basis of the sale deed. The third respondent issued Joint patta in all the owners name in patta No.1367, wherein the petitioner name also exists further not demarcate the property and separate patta has not been issued. Therefore, the petitioner approached the Tahsildar, Land Survey Department on 29.12.2020 for survey and demarcating the property. But till date the respondents have not considered the petitioners representation, hence, he has filed the present writ petition.



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4. The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that as per the proceedings of the Revenue Divisional Officer, Sivagiri, dated 10.11.2022, the petitioner's land has been surveyed and demarcated on 23.04.2021 after issuing notice to the parties and the petitioner has also accepted and signed the same as “ சிவகிரி வட்டம் இராமநாதபுரம் கிராமம் புல எண்.204/3A க்கு அத்துமால் அளவீடு செய்ய சீராஜ் மீராள் என்பவர் மனுசெய்துள்ள மனுவின் மீது நடவடிக்கை எடுக்கப்பட்டு மனுதாரர் முன்னிலையில் அளந்துகாட்டப்பட்டுள்ளது.” She has also put the thump impression.

5. The fifth respondent filed counter affidavit, wherein, he has stated that the property belonged to his grand-father, namely, Arunagiri, who left behind his son namely Kuththalam, who left behind 3 male children. The entire property 200 sq meters 3 shares, 1 share comes as 66.66 sq.mts approximately and 2152 sq feet 3 shares, 1 share comes as 717.33 sq.ft.s approximately. The first share Value settled his share to Muthusamy, who also settled to his daughter namely Muthuselvi/the 7th respondent. The second share Muthiya sold his share to the petitioner/Siraj Meeral vide document No.30/2018 dated 05.01.2018. The third share Sevugaperumal sold the property to Chitra/6th respondent vide document No.1340/2004, dated 11.10.2004. Sevugaperumal sold the property to the sixth respondent Chitra vide document No.1340/2004, dated 11.10.2004 only to the extent of 717.33 sq.ft.s alone. But after this writ petition, he



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came to know that the document and encumbrance certificate shows the extent of the property is as 1375 sq.feet. He is only entitled to his share 717.33 sq.feet alone and that only was given to the 6th respondent. The petitioner's share is concerned, he is not entitled.

6. It is seen from the counter affidavit that the issue was already settled and the respondents also surveyed the property and the same was intimated to the petitioner and the petitioner has also acknowledged the same. For issuance of patta, the petitioner has to approach the Revenue Divisional Officer for further proceedings. The Tahsildar, Sivagiri Taluk is directed to sent the survey report regarding the land available on ground to the Revenue Divisional Officer and on receipt of such report, the Revenue Divisional Officer shall consider the petitioner's request of issuance of patta only as per the report and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

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To

1. The District Collector,
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