



W.P.(MD).No.23185 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.23185 of 2022

and

W.M.P.(MD).No.17276 of 2022

Shurethuvani

... Petitioner

vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

3.The Sub Inspector of Survey,
Taluk Office,
Kovilpatti.

4.Seethalakshmi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 in any manner from measuring and demarcating the properties in S.No.202/23, Nalattinputhur Village, Kovilpatti Taluk, Thoothukudi



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District without making partition among the joint patta holders in
Natham Patta No.570.

For Petitioner : Mr.J.Parekhkumar
For R1 to R3 : Mr.D.Sadiq Raja
Additional Government Pleader
For R4 : Mr.M.Jaisingh

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 2 and 3 in any manner from measuring and demarcating the properties in S.No.202/23, Nalattinpuhur Village, Kovilpatti Taluk, Thoothukudi District without making partition among the joint patta holders in Natham Patta No.570.

2. The case of the petitioner is that the petitioner's father and her mother jointly purchased a part of the property to an extent of 2087 sq.ft. in S.No.292.23, situated at Nalattinpuhut Village, Kovilpatti Taluk, Thoothukudi District on 16.12.1991, from one Karuppayeeammal and Jeyalakshmi, who are the legal heirs of the original owner viz.,



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Veilumuthu Pandaram. During the year 1992, the above said Karuppayeeammal and Jeyalakshmi had sold an extent of 980 feet vacant site to the petitioner's parent vide an unregistered sale deed. Due to unavoidable reasons, the said sale was not registered. During the year 2015, the petitioner has succeeded the said property in S.No.202/23 and some other properties through gift. Therefore, the petitioner and the said Jeyalakshmi are enjoying the said S.No.202/23 as joint patta holder. While being so, the petitioner was served with a notice dated 24.09.2022, in which it was mentioned that based on the petition filed by one Seethalakshmi, the fourth respondent herein, her property has to be surveyed and hence, the petitioner was asked to appear along with documents on 27.09.2022. After receiving the said notice, the petitioner enquired about the same and came to know that the daughter of said Jeyalakshmi viz., Petchiammal sold the property to an extent of 2064 sq.ft. in S.No.202/23 on 07.07.2022, when an extent of 893 sq.ft. in S.No.202/23 alone is the exclusive possession of said Jeyalakshmi and Petchiammal. Therefore, the petitioner has made an objection on 24.09.2022, to the Survey Department. Thereafter, the fourth respondent



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proclaimed that they will measure and demarcate the land on 27.09.2022.

Therefore, the petitioner has made a representation to the first respondent on 26.09.2022, on the grievance day. Even thereafter, the third respondent was trying to measure the land, based on the forged sale deed and on that day, the petitioner made further written objection and has stalled the illegal action of the respondents 3 and 4. In such circumstances, the petitioner has filed the present writ petition.

3. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

4. It is seen from the documents that the land to an extent of 2087 sq.ft. in S.No.202/23 was sold to the petitioner's parents and joint patta has been issued in the name of Jeyalakshmi and the petitioner's mother Saroja in Natham Patta No.570. Now, the petitioner has stated that more than the land which has been in possession of the party viz., Seethalakshmi and the daughter of Jeyalakshmi viz., Petchiammal has



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sold the same to Seethalakshmi.

5. In view of the above, this Court directs the respondents 2 and 3 to measure and demarcate the property of the earlier purchaser viz., the parents of the petitioner in S.No.202/23 situated at Nalattinpuhur Village, Kovilpatti Taluk, Thoothukudi District, as per the documents and then measure and demarcate the property of the fourth respondent viz., Seethalakshmi and if there is any difference in the extent of the land, both the parties can approach the competent civil Court seeking remedy.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index: Yes/No

Internet: Yes/No

akv



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