



W.P.(MD) No.2388 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.2388 of 2020

T.N.Sivasubramanian

... Petitioner

/vs./

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Karur 639 001.
- 2.The Revenue Tahsildar,
Pugalur Revenue Tahsildar Office,
Velayudampalayam,
Karur District.
- 3.The Taluk Surveyor,
Karur Taluk,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1 and 2 Respondents to survey and measure the land comprised in Survey Nos.848/15 and 849/3 old survey No 611 Thottakurichi Village, Karur District and issue patta to the land comprised therein within a time frame to be fixed by this Court.



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For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The above writ petition is filed seeking grant of a Writ of Mandamus to direct the respondents 1 and 2 to direct the respondents 1 and 2 to survey and measure the land comprised in S.Nos.848/15 and 849/3, old survey No.611, Thottakurichi Village, Karur District and issue patta to the land comprised therein.

2.It is the case of the petitioner that he is the resident of Thottakkurichi Village, Velayudampalayam Taluk, Karur District and owns the property comprised in S.Nos.848/15 and 849/3 of the said village. It is his case that old survey number viz., S.No.611 had been reclassified into these two numbers. The properties are his ancestral properties on his paternal side. The property comprised in S.No.848/15 consists of the house and a cattle shed is situated in S.No.849/3. In the year 1990, the second respondent had issued the patta and by an oversight a lesser extent was included in the patta. This discrepancy came to



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the petitioner's knowledge only in the year 2014, when he had undertaken the construction work. He had immediately brought the issue to the notice of the respondents, vide his letter dated 22.04.2014 and requested the authorities to measure the land and provide patta to him.

3.After receipt of his representation, the first respondent had directed the second respondent, through his communication dated 08.05.2014, about the petitioner's representation and directed him to take appropriate action. However, no steps were taken in this regard, constraining the petitioner to submit another representation dated 23.10.2019 seeking to measure the lands in his possession comprised in S.Nos.848/15 and 849/3. Since the respondents have not come forward to perform their duty, the petitioner has been constrained to file the above writ petition.

4.A counter came to be filed by the second respondent, in which in paragraph No.5, it has been clearly stated that the property, which is comprised in S.No.849/2 of the said village, namely Thotakurichy village, is the subject matter of the suit O.S.No.247 of 2014 on the file of the Principal District Munsif Court,



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Karur particularly in an interlocutory application in I.A.No.325 of 2014. In this suit, the learned Judge had directed the Surveyor and the Village Administrative Officer of Punjai, Thotakurichy Taluk to appear and survey the land in S.No. 849/2 and another lands. Therefore, the second respondent would submit that once there is a dispute with reference to title, the respondents cannot take action on the patta. However, there is no mention about any impediment to the issue of patta in respect of S.No.848/15. Therefore, the learned Government Advocate would contend that the respondents are not in a position to comply with the request for allotting the patta to the petitioner.

5.Heard the learned counsels appearing on either side.

6.The counter statement of the second respondent would reveal that there is a civil suit pending in respect of the land situate in S.No.849/2. However, there is no such suit filed in respect of S.No.848/15 and it is also not the case of the respondents that the land in S.No.848/15 has any obstacles preventing the petitioner for obtaining patta. Therefore, the writ petition is disposed of with the following directions:-



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i) the petitioner shall file a fresh application before the authorities with reference to the land comprised in S.No.848/15;

ii) on receipt of the application, the respondents shall process the same, within a period of four weeks from the date of receipt of the application; and

iii) meanwhile, if any proof of such suit/order is brought to the notice of the authorities in respect of the property comprised in S.No.848/15, they shall await the result of the suit. In such an event, the petitioner shall be put on notice about the pendency of such suit or order;

However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Karur 639 001.

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2.The Revenue Tahsildar,
Pugalur Revenue Tahsildar Office,
Velayudampalayam, Karur District.

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P.T.ASHA, J.

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