



W.P(MD)No.2182 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2182 of 2023

S.Shanthi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Vellaripatti,
Melur,
Madurai District.

2.The Tahsildar,
Melur Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to make necessary modifications in Patta No.1034 by deleting the name of said Muthabaranam and issuing patta for 5 cents in the name of the petitioner as per the registered sale deed dated 20.10.1986 in Document No.2920 and rectification deed dated 26.12.1990 and patta for 5 cents in the names of legal heirs of deceased Karuppiyah namely KR.Jayalakshmi, KR.Vijayanand and KR.Nirmala as per sale deed dated 20.10.1986 in Document No.2919 and rectification deed dated 26.12.1990 following the order passed in W.P.(MD)No.



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1780 of 2017, dated 04.07.2022 for Survey No.284/21, Pudusukkampatti Village, Melur Taluk, Madurai District by considering the representation of the petitioner's husband dated 27.10.2022 within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of patta in her name. The incumbent pattadhar are the third parties. The petitioner had already filed W.P.(MD)No. 1780 of 2017 before this Court. Vide order dated 04.07.2022, it was disposed of in the following terms:-

“3. After carefully considering the contentions advanced from both side, I am more than satisfied that without appropriate exercise of survey and demarcation, the issue cannot be resolved. It is unfortunate that the parties did not take any step for appointing an Advocate Commissioner.

4. Be that as it may, since without any survey exercise, the impugned order came to be passed, it stands quashed. This writ petition stands allowed. The matter is remitted to the file of the third respondent. The third respondent is mandated to identify the property covered by the respective sale deeds of the parties. The third respondent shall give notice to both the parties and thereafter conduct exercise of survey and demarcation. The entire exercise will be concluded within a period of



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eight weeks from the date of receipt of a copy of this order.

5. The fact that the impugned order was set aside and the writ petition was allowed does not mean that the Court has accepted the claim of the writ petitioners. The claims of both the parties are left open and it is for the jurisdictional Tahsildar to identify the property on ground. The jurisdictional Tahsildar will take into account not only the sale deeds of the respective claimants but also the overall layout of the area and also all the other relevant materials.”

3. The petitioner's counsel states that survey exercise has since been concluded. However, patta has not been issued.

4. I direct the first respondent to conduct an enquiry on the petition mentioned representation and pass final order on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The first respondent shall put all the interested parties on notice before passing the final order. I have not gone into the merits of the matter. It is for the first respondent to pass order one way or other.

5. The Writ Petition is disposed of accordingly. No costs.

03.02.2023

Index : Yes / No
Internet : Yes/ No
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To

1.The Revenue Divisional Officer,
Vellaripatti,
Melur,
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2.The Tahsildar,
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G.R.SWAMINATHAN, J.

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