



W.P(MD)No.13066 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13066 of 2023

N.Senthil

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
District Revenue Office,
Vellariptti,
Melur Taluk,
Madurai District.

3.The Thasildhar,
South Taluk, Madurai,
Madurai District.

4.The Pirka Surveyor,
Madurai South Taluk,
Madurai District.

5.The Village Administrative Officer,
Village Administrative Office,
Panaiyur Village,
Madurai District.

... 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 respondents to issue joint patta to the petitioner for the land situated in Survey No.111/5 now as per Sub Division Patta No.111/5A having an extent of 5 cents at Panaiyur Village, Madurai South Taluk, Madurai District based on the petitioner's representation dated 01.06.2023.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed in the nature of a mandamus seeking a direction to the respondent to issue joint patta to the petitioner for the lands in Survey No.111/5, now as per sub division, patta No.111/5A, measuring 5 cents at Panaiyur Village, Madurai South Taluk. The petitioner had given a representation on 01.06.2023.



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2. It is contended by the learned counsel for the petitioner that originally, the land was in the name of his mother and she had also executed a registered gift settlement deed in favour of the petitioner and his two sons S.Vikram and S.Ananth by a registered document No.1162 of 2023.

3. Though it is stated that the mother had died, the date of death is not given in the affidavit. The date of the documents are also not given in the affidavit. It is also not mentioned whether there are any other legal heirs for the mother of the petitioner and whether the petitioner had any other brother or sisters.

4. A specific direction is issued to the third respondent/ Tahsildar to determine whether the petitioner has brothers, sisters or any other legal heir and only after getting their consent, can patta be transferred in the name of the petitioner and his two sons. If there are objections raised, then patta, cannot and should not be transferred. Survey of the lands must be done only when there is no objection by the other brothers and sisters of the petitioner. If there is objection, then survey can be denied and the petitioner may take up the issue in the manner known to law. Writ Petition is disposed of with the above directions.



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5. Learned Special Government Pleader stated on instructions that the petitioner has two elder brothers and one younger sister. Very specifically, notice must be issued to all of them before any step is taken by the Tahsildar / third respondent. No costs.

06.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

- 1.The District Collector, Madurai District, Madurai.
- 2.The District Revenue Officer, District Revenue Office,
Vellariptti, Melur Taluk, Madurai District.
- 3.The Thasildhar, South Taluk, Madurai, Madurai District.
- 4.The Pirka Surveyor, Madurai South Taluk, Madurai District.
- 5.The Village Administrative Officer,
Village Administrative Office, Panaiyur Village, Madurai District.



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To

- 1.The Sub-Registrar,
Paramakudi Sub-Registrar office,
Ramanathapuram District.
- 2.The Town Surveyor,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

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