



W.P.(MD)No.15798 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.15798 of 2021

V.Jayapradeep

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by the District Collector,
District Collectorate, Madurai.

2.Revenue Divisional Officer,
Tirumangalam, Madurai District.

3.The Assistant Director (Surveys),
District Collectorate, Madurai.

4.The Tahsildar,
Taluk Office, Tirumangalam,
Madurai District.

5.The Sub Registrar,
Registration Department, Kallikudi,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to issue a patta in the name of the petitioner with respect to an extent of 1.27 acres of Punja land situated in S.No.173/9, in



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M.Puliakulam village and consequently direct the 5th respondent herein to register the returned sale deed bearing the provisional document No. 167/2010 dated 20.08.2010 executed between the petitioner and Sri.Ganesan.

For Petitioner :Mr.S.Kadarkarai
For Respondents :Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the fourth respondent to issue patta in the name of the petitioner with respect to the property in S.No.173/9 at M.Puliakulam village measuring 1.27 acres. The petitioner has also sought for a further direction to the fifth respondent to register the sale deed dated 20.08.2010 and to release the said document in favour of the petitioner.

2.The case of the petitioner is that he is the owner of the subject property through a registered sale deed dated 20.08.2010. The petitioner found that there was a small discrepancy in the sale deed that was executed in favour of the vendor of the petitioner, wherein, instead of mentioning as S.No.173/9, it was inadvertently mentioned as S.No.173/8.



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3.The petitioner had taken steps to rectify this mistake. But, however, the same was not able to be done. In any case, the petitioner claims that it was only a typographical error and there is no dispute with respect to the fact that the title and right is claimed only insofar as the property in S.No.173/9 is concerned.

4.The petitioner made an application before the fourth respondent seeking for issuance of patta for the subject property. The same was kept pending by the fourth respondent. In the meantime, the petitioner wanted to deal with the subject property and the sale deed was presented for registration before the fifth respondent and the fifth respondent was insisting for the patta for the subject property. It is under these circumstances, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5.In the considered view of this Court, the petitioner has to first obtain the patta for the subject property and only thereafter, he will be able to deal with the subject property by presenting the document for



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registration before the fifth respondent. This is more so due to the fact that there is a discrepancy in the survey number between the sale deed executed in favour of the petitioner and the sale deed that was executed in favour of the vendor of the petitioner. In view of the same, the fourth respondent has to conduct an inspection and ascertain the property, in which the petitioner is in possession and enjoyment.

6.The fourth respondent shall also take into consideration the boundaries that have been mentioned in the title deed that has been executed in favour of the petitioner to ascertain the exact survey number in which the petitioner is claiming a right and title. If this exercise is conducted, the fourth respondent can always find out the exact survey number in which the petitioner is claiming a right and title. On completion of this process, the fourth respondent can consider the issuance of patta in favour of the petitioner with respect to the subject property. The petitioner is directed to make a fresh representation to the fourth respondent in this regard along with all the relevant documents and the fourth respondent shall conduct an enquiry and take a final decision within a period of six weeks from the date of receipt of a copy



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of the representation from the petitioner.

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7.Once the above process is over and subject to the final decision taken by the fourth respondent, the petitioner can always process the document before the fifth respondent and get it registered. If ultimately, the petitioner is able to produce the patta, the fifth respondent shall entertain the document presented for registration and register the same and release the document.

8.This Writ Petition is disposed of with the above directions. No costs.

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

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N.ANAND VENKATESH, J.

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