



W.P.(MD)No.15961 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.11.2023**

**C O R A M**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.(MD)No.15961 of 2021**

Vijayapandiyan

... Petitioner

-VS-

1.The District Collector,  
Dindigul District.

2.The Thasildar,  
Nilakottai, Dindigul District.

3.The Surveyor,  
Nilakottai, Dindigul District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to measure/survey and issue patta in respect of the property comprised in S.No.644/1A, Oru Thatu Village, Nillakottai Sub District, Dindigul District, on the basis of the petitioner's representations dated 11.01.2021 and 23.06.2021.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.B.Saravanan  
Additional Government Pleader



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### ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to consider the representations made by the petitioner on 11.01.2021 and 23.06.2021, wherein the petitioner has sought for survey of the subject property and for issuance of Patta in his name.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

3. The petitioner claims to be the owner of the subject property by virtue of a registered sale deed, dated 15.10.1998. The petitioner wanted to obtain Patta for the subject property. Therefore, he made an application for survey of the subject property, to fix boundaries and consequently, to get Patta in his name. Since the same was not considered, the present Writ Petition has been filed before this Court.



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4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that there is a discrepancy with regard to the extent of property as mentioned in the sale deed and what is actually available on the ground. Therefore, the third respondent is not in a position to carry out the survey.

5. In the considered view of this Court, wherever such a dispute arise between the extent and the boundaries, the boundaries will prevail and the boundaries are available in the sale deed that has been executed in favour of the petitioner. The same can be taken into consideration by the respondents and the property can be surveyed.

6. In the light of the above discussion, there shall be a direction to the respondents 2 and 3 to complete the survey, provided that the petitioner pays the necessary fees, if not already paid and this process shall be completed within a period of four weeks from the date of receipt of a copy of this order. After completion of this process, the application submitted by the petitioner for issuance of Patta shall be considered and order shall be passed by the second respondent within a period of six weeks thereafter.



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

NCC : Yes/No

Index : Yes/No

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To

- 1.The District Collector,  
Dindigul District.
- 2.The Thasildar,  
Nilakottai, Dindigul District.
- 3.The Surveyor,  
Nilakottai, Dindigul District.



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**N.ANAND VENKATESH, J.**

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