



W.P. (MD).No.19635 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.19635 of 2021

M.Dhandapani

... Petitioner

Vs

1. The District Collector,
Dindigul District, Collectorate Campus,
Dindigul.
2. The Revenue Divisional Officer,
Dindigul District, Dindigul.
3. The Tahsildar,
Dindigul West Taluk, Katcheri Street,
Dindigul.
4. The District Surveyor,
Dindigul District, District Survey Officer,
Dindigul.
- *5. M.Kalimuthu

*(*R5 impleaded as per order of this Court,
dated 15.11.2023 in WMP(MD)No.17833 of 2021)*

... Respondents



W.P. (MD).No.19635 of 2021

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to issue separate patta in the petitioner's name with regard to survey No. 260 to an extend of 2 acres 15 cents and Survey No.261 to an extend of 2 acres 3 cents totally admeasuring 4 acres 18 cents, in which western portion admeasuring 1 acre 10.5 cents in Agaram village, Dindigul west Taluk, Dindigul District, as per schedule in partition deed, dated 25.03.1993, registered as document no.633 of 1993, registered before Joint No.II, Sub Registration Office, Dindigul and to issue patta in the petitioner's name by considering the Petitioner's representation, dated 16.08.2021.

For Petitioner : Mr. R.M.Suresh

For Respondents : Ms.B.Jeyapriya(R1 to R4)
Government Advocate

Mr.P.Arukkumar (R5)

ORDER

This Writ Petition has been filed for the issue of a writ of mandamus, directing the respondents to issue separate patta in the name of the petitioner, with respect to subject property by considering the representation made by the petitioner on 16.08.2021 in this regard.



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2. When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents 1 to 4, based on the written instructions received from the third respondent, submitted that there is a discrepancy between the extent mentioned in the partition deed and the actual extent available on the ground. In view of the same, the third respondent is not in a position to issue patta in favour of the petitioner, with respect to the entire extent as sought for by the petitioner.

3. In the light of the above written instructions, firstly, the petitioner has to seek for survey of the subject property based on the documents relied upon by him. While conducting this survey, the other sharers should also be put on notice. Ultimately, whatever extent is actually in possession and enjoyment of the petitioner can be taken into consideration and sub division can be made and patta can be issued in favour of the petitioner for that extent. This process shall be completed by the third respondent, within a period of eight weeks, from the date of receipt of copy of this order.



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4.This writ petition stands disposed of in the above terms. No

costs.

15.11.2023

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

To

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N.ANAND VENKATESH, J.

PNM

**ORDER IN
W.P. (MD).No.19635 of 2021**

15.11.2023