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W.P.(MD)NO.25178 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25178 of 2023

M.Sivakami

... Petitioner

Vs.

1. The Assistant Director,
Land Survey and Land Registration,
Dindigul District.

2. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

3. The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

4. Mariappan

5. Ramasamy

6. Rajendran

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 3 herein to measure and issue separate patta in favour of the petitioner with regard to property in survey



No.26/1 to an extent of 70 cents situated at Tholipatti Village, Gujiliamparai Taluk, Dindigul District in the light of the petitioner's registered sale deed in document No.313/2013 dated 14.02.2013 based on her representations dated 14.07.2023 and 15.07.2023.

For Petitioner : Mr.G.Gomathisankar
For R-1 to R-3 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 3.

2. The petitioner has clubbed the reliefs of conducting survey as well as issuance of patta in one breath.

3. The learned Special Government Pleader points out that seeking the relief of conducting survey, the petitioner had earlier filed W.P.(MD)No.28866 of 2022 and the same was disposed of on 22.12.2022. Pursuant thereto, survey was conducted and proceedings were also issued by the Tahsildar



on 09.05.2023. It is seen that there are some discrepancies.

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4. I am of the view that unless the petitioner obtains individual patta in his favour, he cannot revive his prayer for conducting survey. The petitioner had already moved the second respondent for issuance of patta.

5. The second respondent shall conduct enquiry and pass final order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6. I make it clear that I have not gone into the merits of the matter. The second respondent shall put all the interested parties on notice before passing final order. It is open to the second respondent to pass order one way or the other. This writ petition stands disposed of accordingly. No costs.

17.10.2023

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

G.R.SWAMINATHAN,J.



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To:

1. The Assistant Director,
Land Survey and Land Registration,
Dindigul District.
2. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.
3. The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

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