



W.P.No.3258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.3258 of 2024

T.Gothai

..... Petitioner

-Versus-

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Vanur Taluk,
Villupuram District.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus to direct the second respondent to survey and issue patta in the joint names of the petitioner and her sister S.Punitha, in respect of their house site comprised in Survey No.30/5, Old Survey No.56/1 of an extent of 1920 sq.ft. bearing Plot No.21 in Sri Venkateswara Nagar in Achcharampattu Village, Vanur Taluk, Villupuram District on the basis of the petitioner's application dated 01.12.2023 within a time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

*For Respondent (s) : Mr.U.Baranidharan,
Additional Government Pleader*



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ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 2nd respondent to survey and issue patta in the joint names of the petitioner and her sister S.Punitha, in respect of the house site of the petitioner comprised in Survey No.30/5, Old Survey No.56/1 of an extent of 1920 sq.ft. bearing Plot No.21 in Sri Venkateswara Nagar in Achcharampattu Village, Vanur Taluk, Villupuram District on the basis of the petitioner's application dated 01.12.2023 within a time frame fixed by this Court.

2. It is the case of the petitioner that her mother-Ramayee purchased a housing site measuring 1920 square feet comprised in Plot No.21 at Sri Venkateswara Nagar in S.No.30/5 (Old S.No.56/1) situated at Achcharampattu Village, Vanur Taluk, Villupuram District by way of sale deed dated 02.09.2023 from one D.Ramadoss which was registered as Doc.No.1172 of 1993 on the file of the Sub Registrar, Vanur. While so, the property was settled by her mother under a registered settlement deed dated 12.01.2015 vide Doc.No.167 of 2015 on the file of the Sub Registrar, Vanur, in favour of her (petitioner) and her sister and as such she became the owner of the property. Thereafter, she along with her sister made an application seeking grant of joint patta. The grievance of the petitioner is that her application for joint patta has



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not been considered so far. Hence, the present writ petition.

WEB COP 3. Heard both sides.

4. Mr.V.Baranidharan, the learned Additional Government Pleader, would, on instructions, submit that the application of the petitioner for joint patta was considered and as there was a discrepancy found in the boundary and the total extent and unless the lands of neighbouring land owners are measured and the discrepancy found is sorted out, patta as sought by the petitioner cannot be granted. The learned Additional Government Pleader would further submit that a communication in this regard has already been sent to the petitioner. He has also produced a copy of the above said communication for the perusal of the court.

5. A careful perusal of the above said communication would go to show that a survey was conducted, however, patta was not transferred to the petitioner as there was a discrepancy in the measurement on the north and south boundaries for about 3 ½ feet and it was found to be in the possession of one Haridoss, a neighbouring land owner who has been in possession of the land in S.No.315/53.

6. Since right of the third party is involved, this court is of the view that there cannot be any positive direction as prayed for by the petitioner to issue



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patta as there was discrepancy found in respect of measurement on the north and south side of the petitioner's property during survey. Let the petitioner file a proper suit under the Tamil Nadu Survey and Boundaries Act, 1923 by impleading the neighbouring land owners as defendant so that entire land can be surveyed and thereafter patta can be issued by the Tahsildar concerned in respect of the exact extent of land over which the petitioner and her sister have title.

The writ petition is disposed of accordingly with the above directions.

No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Vanur Taluk,
Villupuram District.



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N.SATHISH KUMAR.J.,

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