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WP.No.36012 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36012 of 2024

Samsudeen

...Petitioner

Vs

- 1.The District Collector, Kallakurichi,
Kallakurichi District.
- 2.The Revenue Divisional Officer,
Kallakurichi, Kallakurichi District.
- 3.The Tahsildar, Ulundurpet,
Kallakurichi District.
- 4.The Revenue Inspector,
Vada Ponnparapi,
Kallakurichi District.
- 5.The Village Administrative
Officer, Ullagalapadi,
Kallakurichi District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to survey the land, to make necessary entries in the revenue records and issue patta by entering the name of the petitioner in the Village Accounts and the Taluk Accounts in respect of the land in S.Nos.81/28 and 81/31 in S.No.81/28 in respect of 100 Sq.meter and



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91 Sq.meter respectively in Ulagalapatti Village, Vada Ponnparapi, Kalalkurichi District in favour of Fathima Bee, W/O Samsudeen in consideration of representation submitted by the petitioner dated 05.9.2024 to the respondents within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.A.Selvendran, SGP

ORDER

Seeking a Mandamus to the third respondent to consider his representation dated 05.9.2024 to conduct a survey, make necessary entries in the revenue records and issue patta in the name of his wife - one Mrs.Fathima Bee pertaining to the land in S.Nos.81/28 and 81/31 in respect of 100 Sq.meter and 91 Sq.meter respectively in Ulagalapatti Village, Vada Ponnparapi, Kalalkurichi District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The case of the petitioner is as follows :



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(i) The petitioner's mother executed a gift deed dated 04.11.2011 in favour of the petitioner registered as doc.No.2462 of 2011 on the file of the Sub-Registrar, Vadaponparappi in respect of the property measuring an extent of 2,616 sq.ft. along with superstructure in S.No.81/28, Ulagalapatti Village, Vada Ponnparapi, Kalalkurichi District. The said survey number was subdivided into S.Nos.81/28, 81/30 and 81/31 measuring 100 sq.meters, 81 sq.meters and 91 sq.meters respectively. The petitioner obtained an electricity service connection and has been paying tax to the Local Authority. After subdivision, patta was issued in favour of the petitioner's wife in respect of S.No.81/30 whereas the entire extent of 2,616 sq.ft. is in the possession of the petitioner and his wife.

(ii) Therefore, seeking to conduct a survey in respect of S.No.81/28, the petitioner's made an online application to the third respondent on 27.3.2024. She also paid necessary charges. However, no action was taken on the same. Hence, the petitioner sent a representation dated 05.9.2024 to the respondents seeking to conduct a survey for the remaining subdivided portions namely S.Nos.81/28 and 81/31. As nothing was forthcoming, the writ petition has been filed.

4. The fact that the said property belongs to the petitioner is



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seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner acquired the property by way of a gift deed, he requested the third respondent to mutate the revenue records and to issue a patta in favour of his wife, for which purpose, he also sought for conducting a survey.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to conduct survey of the said property. The petitioner shall submit all the relevant records to show his title to the said property and the third respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders either surveying the said property, mutating the revenue records and issuing a patta in favour of the petitioner's wife or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

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To

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Kallakurichi District.

2.The Revenue Divisional Officer,
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RS



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