



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2855 of 2025

K.Dharmalingam

..Petitioner

Vs.

1. The District Revenue Officer,
Collector Office,
Dharmapuri District.

2. The Revenue Divisional Officer,
Revenue Office, Harur,
Dharmapuri District.

3. The Tahsildar,
Pappireddipatty Taluk Office,
Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to consider and pass orders on the petitioner's representation dated 02.01.2025 with regard to survey the land and issue separate patta in the name of the petitioner as per the registered partition deed bearing No.1192/2012 dated 30.07.2012 on the file of SRO, Kadathur, Dharmapuri District comprised in Survey No.70/2 an extent of 02.24 Acres is situated at Singirihalli Village, Pappireddipatty Taluk,



Dharmapuri District within a stipulated time fixed by this Court.

For Petitioner : Mr.P.M.Jayachandran
For Respondents : Mr.M.R.Gokulakrishnan
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 3rd respondent to consider the representation made by the petitioner on 02.01.2025 wherein the petitioner has sought for the survey of the land and for issuance of separate patta in his name with respect to the property in Survey No.70/2.

2. Heard Mr.P.M.Jayachandran, learned counsel for the petitioner and Mr.M.R.Gokulakrishnan, learned Additional Government Pleader for respondents.

3. The case of the petitioner is that the property in Survey No.70/2 was partitioned through a partition deed dated 30.07.2012 and an extent of 2.24 acres was allotted in favour of the petitioner. This partition deed was also registered on the file of the Sub Registrar, Kadathur. According to the petitioner, this property in question is described in schedule “C” of the partition deed. The



further case of the petitioner is that a joint patta was issued in Patta No.412 in the name of all the co-owners of the property. The petitioner wanted his property to be carved out by measuring the same and for issuance of a separate patta. A representation was made in this regard. Since the same was not considered, the present writ petition has been filed before this Court.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that after the receipt of the representation from the petitioner, whenever an attempt was made to survey the property, there was a stiff resistance from one of the brother, who is a co-owner of the property. The learned Additional Government Pleader submitted that his name is Saravanan and he is resisting the survey and inspite of the same, the petitioner has not chosen to add him as a respondent. The learned Additional Government Pleader submitted that the official respondents will comply with the directions issued by this Court.

5. This Court is not dealing with the *interse* rights between the



petitioner and his brother Saravanan. The rights of both the parties have already been determined by the partition deed dated 30.07.2012. Specific properties have been allotted to the co-owners. The petitioner is only seeking for a separate patta after carrying out the measurement of the property that was allotted to the petitioner under the partition deed. In view of the same, the official respondents can carry out the survey in the presence of the brother of the petitioner Saravanan in line with the partition deed that was entered into by all the parties. By means of conducting the survey, the measurement is going to be done only in line with the measurements as found in the partition deed and request made by the petitioner for separate patta is going to be considered. If the petitioner's brother Saravanan has any further grievance, he can only go and work out his remedy before the competent Court and he cannot prevent the officials from performing their statutory duty.

6. In view of the above, there shall be a direction to the 3rd respondent to act upon the representation made by the petitioner on 02.01.2025 and conduct the survey in the property strictly in accordance with the partition deed dated 30.07.2012. The survey shall be conducted in the presence of the petitioner's



brother Saravanan. If the said Saravanan has any independent right over the property apart from the partition deed that has already been executed between the parties, he can only work out his remedy before the competent Civil Court and he cannot prevent the authorities from doing their statutory function. This process shall be completed by the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

03.02.2025

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
rka

N. ANAND VENKATESH, J.
rka



WEB COPY

To

1. The District Revenue Officer,
Collector Office,
Dharmapuri District.
2. The Revenue Divisional Officer,
Revenue Office, Harur,
Dharmapuri District.
3. The Tahsildar,
Pappireddipatty Taluk Office,
Dharmapuri District.

WP No.2855 of 2025

03.02.2025