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W.P.No.26860 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.26860 of 2025

R.Kandhasamy

: Petitioner

Vs.

1.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.

2.The Taluk Surveyor,
Pappireddipatti Taluk,
Dharmapuri District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing the respondents to issue notice to the petitioner as well as the Joint Pattadharas pertaining to S.F.No.199 and to measure and to sub divide SF No.199, as per the sale deeds of the respective parties and issue separate patta to the petitioner based on the application dated 25.02.2023 and pass orders.

For Petitioner : Mr.MA.P.Thangavel

For Respondents : Mr.S.J.Mohammed Sathik
Government Advocate

ORDER



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By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. The present writ petition is filed praying for a writ of Mandamus, to direct the respondents to issue notice to the petitioner as well as the Joint Pattadharas pertaining to property comprised in S.F.No.199 situated at Paraiyapatty Pudhur, Pappireddipatti Taluk, Dharmapuri District and to measure and to sub divide SF No.199, as per the sale deeds of the respective parties and issue separate patta to the petitioner based on the application dated 25.02.2023.

3. Learned counsel for the petitioner would submit that earlier petitioner had preferred a writ appeal in W.A.2860 of 2024, wherein a Division Bench of this Court vide order dated 21.10.2024 was pleased to pass the following order:

3.This Court finds no reason to interfere with the order of the learned Single Judge dismissing the said writ petition. Even before this Court, the learned counsel for the appellant submitted that the total extent of survey No.199/1 is 2.56 acres and after sub-division, several people have purchased the property in S.No.199. The appellant claims title only in respect of portion of the property, based on the sale deed obtained from his vendor and the sale deed of the appellant's vendor.



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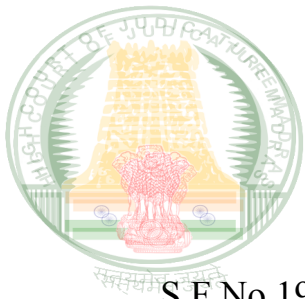
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Therefore, the property cannot be demarcated, unless a sub-division takes place after issuing notice to all the parties. However, the appellant seeks relief for demarcation of boundaries as per sale deed without impleading other joint pattadars.

4. In these circumstances, leaving it open to the appellant to seek sub-division of property, in the presence of other joint pattadars, who are also holding some lands in the survey field or to approach the civil court in case of dispute, this appeal stands dismissed. It is also made that this order will not stand in the way of the appellant, pursuing his application for sub-division of properties in the presence of all the joint pattadars, who are claiming right in S.No.199 or to approach civil court for appropriate relief.”

4. At this juncture, learned counsel for petitioner would request that respondents may consider the petitioner's request for survey and sub division of the property comprised in S.FNo.199 and issuance of separate patta in the name of the petitioner on the basis of the application dated 25.02.2023 after issuing notice to the petitioner as well as joint pattadars.

5. Learned Government Advocate would submit that petitioner's application dated 25.02.2023 seeking survey and sub division of the property comprised in



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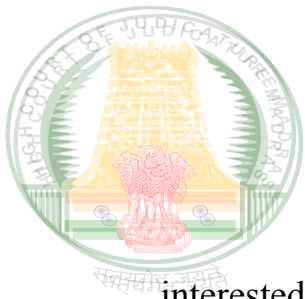
S.F.No.199 and issuance of separate patta would be considered and appropriate orders would be passed, after issuing notice to the petitioner as well as joint pattadars, within a time frame to be fixed by this Court, which was agreed to by the learned counsel for petitioner.

6. In view of the limited relief that is prayed, this court is inclined to dispose of the writ petition with following directions:

i) As regards survey, the respondents shall consider the petitioner's application dated 25.02.2023, in accordance with law, after issuing notice to the petitioner, joint pattadars, adjacent land owners and all other interested parties including rival claimants, if any.

ii) Though facts have been set out extensively in the affidavit, this court does not propose to deal with it while leaving it open to the respondents to call for any document/conduct enquiry to satisfy itself of the petitioner's entitlement for requesting survey of subject property.

iii) As regards sub division of S.No.199 and issuance of separate patta in the name of the petitioner, the respondents shall consider the petitioner's application dated 25.02.2023, after issuing notice, conducting enquiry and affording a reasonable opportunity of hearing to the petitioner, joint pattadars and all other



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interested parties including rival claimants, if any.

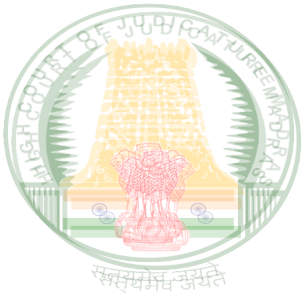
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iv) Though facts have been set out in affidavit, in view of the limited relief that is sought to be granted, I do not propose to examine the same, lest it may influence the authority. The authority shall independently consider the facts and law set out in the communication and pass appropriate order in accordance with law including but not limited to the provisions of the Tamil Nadu Patta Pass Book Act and Rules.

v) The entire process shall be completed within a period of sixteen (16) weeks from the date of uploading of web copy without waiting for the receipt of certified copy.

vi) It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. Rights and contentions of the petitioner and all other interested parties are left open.

7. Accordingly, the writ petition stands disposed of. There will be no order as to costs.



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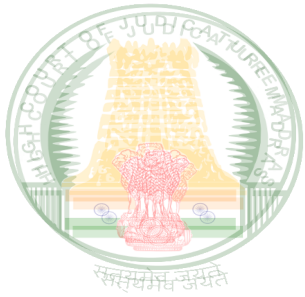
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Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn

To

- 1.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District.
- 2.The Taluk Surveyor,
Pappireddipatti Taluk,
Dharmapuri District.



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MOHAMMED SHAFFIQ, J.

(mrn)

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