



W.P.(MD)No.2688 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

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THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.2688 of 2025

Dhanuskodi

... Petitioner

-VS.-

1.The Tahsildar,
Palayamkottai, Tirunelveli District.

2.The Head Surveyor,
Collectorate, Tirunelveli.

3.The Firka Surveyor,
Parpakulam, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to survey the petitioner's land situated in S.No.71/1A1, Parpakulam Village, Murappanadu, Tirunelveli District and issue patta in his name within the time frame fixed by this Court.

For Petitioner :Mrs.J.Padmavathi Devi

For Respondents :Mr.R.Raghavendran
Government Advocate



W.P.(MD)No.2688 of 2025

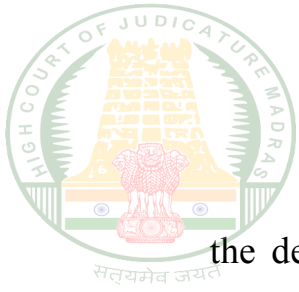
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ORDER

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus to direct the respondents to survey the petitioner's property in S.No.71/1A1, Parpakulam Village, Murappanadu, Tirunelveli District and consequently, to issue patta in the name of the petitioner.

2.The case of the petitioner is that the petitioner has purchased an extent of 20.5 cents comprised in S.No.71/1A1. The registration authorities had refused to register the sale deed and on enquiry, the petitioner came to know about an order passed by the District Revenue Officer, Tirunelveli on 22.12.2020. Pursuant to the directions of this Court, the sale deed was registered and released to the petitioner on 27.11.2024 under Doc.No.3579/2024. Based on the said sale deed, the petitioner has made an application for patta and also survey.

3.However, Mr.R.Raghavendran, learned Government Advocate would submit the revenue records are not in the name of the petitioner or the petitioner's predecessors-in-title and earlier, there was a litigation in respect of the very same property in O.S.No.358 of 2011 and based on



W.P.(MD)No.2688 of 2025

the decree in the suit, the Zonal Deputy Tahsildar, Palayamkottai, had also issued joint patta. Further, he would also contend that the Revenue Divisional Officer had allowed the appeal filed by one Murugan by ordering removal of the name of Varatha Desingachariyar. The said order of the Revenue Divisional Officer was challenged before the District Revenue Officer, Tirunelveli and the same was dismissed in Na.Ka.No.Sec.No.23/19 and according to the respondents, the petitioner, therefore, had no right in the subject property. He would also submit that one Meena and Jeyanti have purchased the subject property under registered sale deeds bearing Doc.Nos.621 and 622 of 1989 and their names have been included in the joint patta No.149.

4.I have heard Mrs.J.Padmavathi Devi, learned Counsel for the petitioner and Mr.R.Raghavendran, learned Government Advocate for the respondents. I have also gone through records.

5.In order to negate the claim made by the respondents in the counter affidavit that patta was not mutated in the name of the petitioner's vendor, the learned Counsel for the petitioner has relied on



W.P.(MD)No.2688 of 2025

additional typed of papers containing joint patta, dated 20.03.2023 in Patta No.149 issued by the Tashildar Palayamkottai, Tirunelveli District.

6.In respect of the very same survey number, I find that at serial No.16, one Loganathan's name has been reflected in the said joint patta. The petitioner traces title only from the said Loganathan and admittedly, he has purchased the property under registered sale deeds. Therefore, it is not known how the name of the petitioner's predecessors-in-title, Loganathan was removed from the joint patta No.149.

7.It is also rightly brought to my notice by the learned Counsel for the petitioner that the Revenue Divisional Officer, having already taken cognizance of the matter and passed an order on 20.01.2015, ought not to have once again reopened the issue and passed a fresh order on 20.03.2019. However, the entire exercise taken by the Revenue Divisional Officer was in respect of Varatha Desingachariyar alone and not in respect of Loganathan, under whom the petitioner claims time. Therefore, there can be no impediment for the first respondent to conduct an enquiry as a first step, after giving notice to the petitioner as well as to



W.P.(MD)No.2688 of 2025

other persons interested and after affording an opportunity by way of personal hearing to them, shall pass final orders as to the petitioner's entitlement for patta. If the first respondent finds that the petitioner is entitled to be get patta based on the registered sale deeds and other records, then the first respondent shall proceed to conduct a survey based on the findings rendered in the said enquiry. This exercise of conducting enquiry shall be completed within a period of twelve weeks from the date of receipt of a copy of this order and in the event of petitioner being found to be entitled to patta, then the first respondent shall issue patta within a period of four weeks thereafter and also conduct a survey with the assistance of the second respondent, as required by the petitioner vide representation dated 21.12.2024.

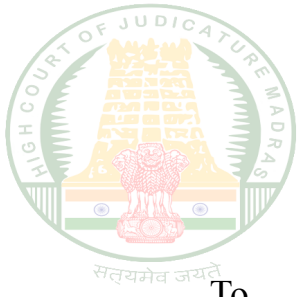
8. With the above directions, the Writ Petition is disposed of. No costs.

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

10.03.2025

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W.P.(MD)No.2688 of 2025

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W.P.(MD)No.2688 of 2025

P.B.BALAJI, J.

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W.P.(MD)No.2688 of 2025

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