



W.P.(MD)No.3156 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3156 of 2023

Veeran.S

... Petitioner

/Vs./

1. The Revenue Divisional Officer,
Periyakulam, Theni District.
2. The Tahsildar
Aandipatti Taluk Office, Aandipatti,
Theni District.
3. The Surveyor
Aandipatti Taluk Office, Aandipatti,
Theni District.
4. Chinnasamy
5. Ramesh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to issue the separate patta to the petitioner with regard to his property in Survey No. 525/2A and 525/2C to an extent of 3 acre 50 cents situated at Pulimankombai Village, Aandipatti Taluk, Theni District, based on the petitioner's representation dated 05.12.2022.



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For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.S.Kameswaran
Government Advocate for R1-4

: Mrs.J.Bala Meenakshi for R4 & 5

ORDER

The writ petitioner sought for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to issue the separate patta to the petitioner with regard to his property in Survey Nos. 525/2A and 525/2C to an extent of 3 acre 50 cents situated at Pulimankombai Village, Andipatti Taluk, Theni District.

2. I have heard Mr.G.Gomathi Sankar, learned for the petitioner, Mr.S.Kameswaran, learned Government Advocate, for the respondents 1 to 3 and Mrs.J.Bala Meenakshi, learned counsel for the respondents 4 and 5.

3. The case of the petitioner is that his father along with his cousin brother purchased lands in Survey Nos. 525/2A and 525/2C to an extent of 3 acre 50 cents situated at Pulimankombai Village, Andipatti Taluk,



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Theni District. Subsequent to the said purchase, the fourth respondent appears to have sold the very same lands to the 5th respondent under an oral sale deed and based on it, on the same day, 5th respondent was trying to interfere with the petitioner's possession and enjoyment and therefore, the petitioner has sought for separate patta after survey being conducted.

4. The learned counsel for the respondents 4 and 5 would submit that the respondents 4 and 5 are claiming right only in respect of survey No. 523/2B and not in survey No.525/2C. But. however, the petitioner has occupied the lands in survey No.523/2B belonging to the respondents 4 and 5. The parties also admit that a suit in O.S.No.66 of 2024 has been filed.

5. It is also brought to my notice that the fifth respondent filed a petition before this Court in W.P.(MD)No.17249 of 2024, which came to be disposed of on 26.07.2024. The petitioner in this writ petition was also cited as the 4th respondent in the said writ petition and this Court directed the survey to be conducted after affording an opportunity to the adjacent land owners, and all interested parties. It is the grievance of the



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respondents 4 and 5 that in spite of the order of this Court, survey has not been conducted.

6. Considering the fact that even the petitioner, in the present writ petition in and by his representation dated 05.12.2022, has in fact only sought for survey to be conducted and thereafter, separate patta to be issued, there can be no impediment for the authorities to conduct the survey in pursuance of the directions of this Court, in the earlier writ petition filed by the fifth respondent. The issuance of patta can always await the survey to be conducted, which will clearly indicate the entitlement of the parties in the respective survey numbers. Admittedly, the claims of both the petitioner as well as respondents 4 and 5 are totally different survey numbers and therefore, if a proper survey is conducted, it might even give a quietus to the dispute between the parties.

7. Hence, this Writ Petition is allowed by directing the second respondent, with the assistance of the 3rd respondent, to conduct survey of the petitioner's property in survey Nos. 525/2A, 525/2C as well as the



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4th and 5th respondents property in survey number 523/2B and in the presence of both the petitioner as well as the respondents 4 and 5 and based on the survey and demarcation, it shall be open to the respective parties to agitate their respective rights, including issuance of separate patta.

8. It is seen that the respondents 4 and 5 have already remitted the requisite charges for survey. However, the petitioner who sought for issuance of separate patta, has not made payment of the requisite charges for survey. Hence, the petitioner shall remit the necessary charges for survey to be conducted within a period of two weeks from the date of receipt of a copy of this order. The learned counsel for the petitioner also undertakes to advise the petitioner to co-operate with the survey officials and not create any untoward incident. The survey shall be conducted within six (6) weeks from the date of fee being remitted by the petitioner. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

LS

TO:-

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Order made in
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Dated:
27.02.2025