



W.P.(MD)No.7673 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **20.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.7673 of 2025

P.Selvaraj

.... Petitioner

/Vs./

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to issue patta to the petitioner for the land situated in survey No.884/5 having an extent of 10 cents at Kasilingapuram, Singattakurichi, Srivaikundam Taluk, Thoothukudi District based on his Representation dated 21.01.2025.

For Petitioner : Mr.P.Jeyasankar

For Respondents : Mrs.K.Malathi
Additional Government Pleader



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ORDER

The petitioner has sought for patta based on his title deeds for an extent of 10 cents. The petitioner has made an application on 21.01.2025 in this regard. In fact, I find that the petitioner has earlier approached this Court for issuance of patta by filing W.P(MD)No.15312 of 2023 and by an order dated 27.06.2023, this Court directed the second respondent Tahsildar to examine the title deeds of the petitioner and after making necessary enquiries and subject to the satisfaction, proceed to issue patta to the petitioner, within a period of eight weeks from the date of receipt of a copy the order.

2. The grievance of the petitioner is that despite the time period mentioned in the said order, the second respondent has not taken any steps to comply with the order. The petitioner also issued contempt notice on 11.07.2024 and after giving a representation on 21.01.2025, the present writ petition has been filed.



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3. The learned Additional Government Pleader appearing for the respondents would submit that on verification, it is found that the petitioner is in possession of only 7 cents and therefore, patta cannot be issued for the entire 10 cents.

4. The learned counsel for the petitioner refute the contention of the learned Additional Government Pleader and contend that the neighbouring property owner has encroached 3 cents into the petitioner's property.

5. The said case of encroachment or trespass cannot be ascertained by the Revenue Officials. The Revenue Officials can go only by the available extent, subject to proper inspection or survey being conducted and after correlating the same with the title deeds of the writ petitioner and issue patta accordingly. Therefore, there can be no impediment for the second respondent, Tahsildar to conduct an enquiry as directed by this Court in the earlier writ petition and pass orders on the petitioner's application for patta subject to the entitlement of the petitioner. It is open to the petitioner to seek necessary relief against the



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third party, in the event of there being any shortage in the extent, on account of any encroachment by approaching the competent Civil Court.

The second respondent shall complete the exercise within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
am

20.03.2025

To

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2. The Tahsildar,
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Thoothukudi District.



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.7673 of 2025

Dated:
20.03.2025