



W.P(MD)No. 22784 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.11.2025

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No. 22784 of 2025

and

W.M.P.(MD) No.17856 of 2025

Rasuthevar

... Petitioner

Vs

1. The Revenue Divisional Officer,
Nilakkottai Taluk,
Dindigul District.

2. The Tahsildar,
Nilakkottai Taluk,
Dindigul District.

3. The Zonal Deputy Tahsildar,
Nilakkottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent in his proceedings in T.R 2025/0103/13/372981TR dt. 19.04.2025 and quash the same as illegal and consequently, direct the third respondent to issue seperate patta to the petitioner in respect Survey No. 74/1A2 (Patta No.604) and measuring an extent of 2.25 acres located at Rengappanaickanpatti village, Nilakkottai Taluk, Dindigul District in compliance of order passed by the second respondent dt. 19.03.2025.



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For Petitioner : Mr. V.P.Rajan
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

An aggregate extent of 13 acres and 47 cents in survey No.74 was owned by one Periyakamathevar. From and out of the said extent, he gifted an extent of 6 acres and 73 cents to the Gramathana Sarvodaya Cooperative Society under an inam deed dated 08.08.1958. Later, the legal heirs of the said Periyakamathevar executed a sale deed dated 05.08.1981 in favour of the petitioner for an extent of 2.25 acres from and out of the extent retained by Periyakamathevar. Subsequently, on account of the Gramathana Sarvodaya Cooperative Society being dissolved by release deed dated 20.08.1999, the extent of 6 acres and 73 cents, which had been earlier gifted, was released in favour of the legal heirs of the said Periyakamathevar.

2. In these circumstances, the petitioner had applied for issuance of separate patta to him in respect of the extent purchased by him. The



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Tahsildar issued an order dated 19.03.2025 accepting the petitioner's request for grant of separate patta in respect of 72.50 ares. However, the third respondent issued an order dated 19.04.2025 granting a joint patta in respect of survey No.74/1A2 in the names of the petitioner and Kamachipuram Cooperative Gramathana Sarvodaya Society.

3. Learned counsel for the petitioner referred to the sale deed in the petitioner's favour, the release deed, the order of the Tahsildar and the impugned order. He submits that the impugned order is clearly unsustainable and that the petitioner is entitled to a separate patta in respect of an extent of 2.25 acres purchased by him.

4. Learned Additional Government Pleader has obtained written instructions to the effect that the Gramathana Sarvodaya Cooperative Society is no longer in existence. He submits that the land in survey No. 74/1A2 would be measured and that the request of the petitioner would be duly considered.

5. The inam deed dated 08.08.1958 reveals that the total extent



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owned by Periyakamathevar was 13 acres and 47 cents in survey No.74.

The sale deed in favour of the petitioner is in respect of an extent of 2.25 acres out of the extent remaining with Periyakamathevar after excluding the extent of 6 acres and 73 cents, which was gifted. Therefore, the gift and subsequent release are not material as regards the request of the petitioner for grant of separate patta. While the sale deed in favour of the petitioner is for an extent of 2.25 acres, joint patta No.604 is for an extent of 72.50 ares, which corresponds to about 1.75 acres. In these circumstances, a survey of the land is necessary to ascertain the extent actually available at site.

6. Upon considering the relevant facts and documents, the Tahsildar had concluded that the petitioner is entitled to a separate patta. The order of the Zonal Deputy Tahsildar is contrary thereto and cannot be sustained. Therefore, the said order is set aside.

7. Upon considering the totality of facts and circumstances, this Writ Petition is disposed of on the following terms:

- i. The Tahsildar is directed to undertake a survey of the land in



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survey No.74/1. Before undertaking such survey, the pattadars under patta No.604 and other relevant pattas shall be put on notice. Owners of relevant adjacent land shall also be put on notice. In view of the Society not being in existence, such notice need not be issued to the society.

- ii. Upon conclusion of the survey, the request of the petitioner for issuance of separate patta for the total extent of 2.25 acres shall be duly considered and order shall be issued within two (2) months from the conclusion of the survey. The survey shall be concluded within two (2) months from the date of receipt of a copy of this order. Requisite payments in relation to the survey shall be made by the petitioner.
- iii. No costs. Consequently, connected miscellaneous petition is closed.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

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To

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SENTHILKUMAR RAMAMOORTHY.,J.

apd

ORDER MADE IN

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