



W.P.(MD)No.27802 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.27802 of 2024

M.Anvar John

... Petitioner

/Vs./

1. The District Collector,
The Collector Office,
Madurai.

2. The Tahsildar,
The Tahsildar Office,
Madurai West Taluk,
Madurai.

3. The Head Surveyor,
Madurai West Taluk,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 2nd and 3rd respondents survey the land and change the patta in the name of the petitioner and also direct the 3rd respondent to conduct the survey in the land in S.No.365/3B1.

For Petitioner : M/s.B.Bhuvaneshvari

For Respondents : Mr.B.Saravanan
Additional Government Pleader



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ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the the second and third respondents to conduct Survey the land comprised in S.No.365/3B1 and change the patta in the name of the petitioner.

2. Considering the limited scope of the prayer sought for in this writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal.

3. It is the case of the petitioner that the petitioner's father and his brother purchased the land comprised in S.No.365/3B1 from the then owner Periya Karuppa Vellar on 19.02.1965 by way of a registered sale deed in Doc.No.570/1965. Further, the father of the petitioner and her uncle, who jointly possessed the said property, partitioned the above said property on 05.02.1986. After the said partition, the petitioner's father became the absolute owner of the land in S.No.365/3B1. Thereafter, the petitioner's father had executed a registered gift deed in favour of the petitioner in respect of the property in S.No.365/3B1, Document No. 1918/2008 on 02.05.2008. The petitioner claiming absolute right and



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interest over the land in S.No.365/3B1, has sought for change the name in the patta and for survey and she has also made an application to survey the land by remitting appropriate fees on 17.10.2024. The said grievance of the writ petitioner is not being acceded to by the respondents, despite several representations given. Hence, the petitioner has filed the present writ petition.

4. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. It is seen from the records filed in support of the writ petition that though Patta No.3042 stands in the name of fifteen persons in respect of S.No.365/3B1, the entire extent has been purchased by the petitioner's father and his brother even in the year 1965 itself and thereafter, under a partition deed, the property came to the hands of the petitioner's father, who in turn gifted the same in favour of the writ petitioner, even as early as on 02.05.2008. In fact, it is the specific case of the petitioner that she went to change the name of the Patta in her name, then only she came to know that the Patta stands in the name of



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fifteen persons. Therefore, she sought for issuance of fresh patta in her name apart from survey. The computerized patta issued in Patta No.3042 in respect of property in S.No.365/3B1 reflects fifteen joint owners and there appears to be some error in the said patta. Since the entire extent covered by S.No.365/3B1 has been disposed of even as early as in the year 1965 and there has been a sub division which is available even in the year 1965. Thereafter, by way of gift settlement deed, the property has come to the hands of the writ petitioner. In view of the above said facts the respondent 2 & 3 cannot refuse to entertain the petitioner's application for survey and for transfer of patta.

6. In the light of the above, I deem it fit to pass the following orders:

a) The second respondent shall issue an enquiry notice to the petitioner and call upon the petitioner to submit all the supporting documents and thereafter, consider her request for issuing separate patta in favour of the petitioner subject to remittance of necessary charges and in the event of Tahsildar finding that there has been proper subdivision



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and the petitioner is entitled to get separate Patta, shall pass orders on the request of the petitioner.

b) In the event of the second respondent finding that the petitioner is entitled for patta, then, the respondents 2 & 3 shall conduct survey in respect of the land in S.No.365/3B1 belonging to the petitioner and shall pass orders on the said application for survey.

c) The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above said directions, this Writ Petition is disposed of.

No costs.

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

gvn

TO:-

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2. The Tahsildar,
The Tahsildar Office,
Madurai West Taluk,
Madurai.
3. The Head Surveyor,
Madurai West Taluk,
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Order made in
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Dated:
18.02.2025