



WP(MD) NO. 14958 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2026

CORAM

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP(MD) NO. 14958 of 2026

G.Brunoon Herald,
Vice President,
Our Lady of Fatima Church.

Petitioner(s)

Vs

1. The District Collector,
Kanyakumari,
Kanyakumari District.
2. The Revenue Divisional Officer,

Revenue Divisional Office,
Padmanabhapuram,
Kanyakumari District.
3. The Tahsildar, Taluk Office,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District
4. The Head Surveyor, Taluk Office,
Kalkulam Taluk, Thuckalay,
Kanyakumari District.

Respondent(s)



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For Petitioner(s) : Mr.S.Vijaya Shanthi

For Respondents : Mr.I. Pinaygash,

Counsel for the State of Tamilnadu

For Intervenor : Mr.V.Malaiyendran

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of MANDAMUS direct the 2nd and 3rd Respondent to pass appropriate order for issuance of separate patta in the name of Our Lady of Fatima Church in respect of property comprised in S.No.355/6 to an extent of 12 1/2 cents at Kallukootam village, Kanyakumari District by subdivision and demarcating the same in the light of the petitioners Appeal dated 13.04.2026 within the stipulated time fixed by this Court.

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing Respondents 2 and 3 to pass appropriate orders for the issuance of a separate patta in the name of Our Lady of Fatima Church in respect of the property comprised in Survey No.355/6, measuring an extent of 12½ cents situated at Kallukootam Village, Kanyakumari District, by effecting subdivision and demarcation of the same, in the light of the petitioner's appeal dated 13.04.2026, within the time stipulated by this Court.



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2. The petitioner is the Church represented by its Vice-President. Originally, Survey No.355/6, measuring an extent of 21 cents, belonged to Visuvasam Nadar and Savarimuthu Nadar, who were brothers. Subsequently, they partitioned the property between themselves, each being allotted 10½ cents.

3. After the demise of Visuvasam Nadar, his legal heirs, namely Anthony Nadar, Varuvel Nadar, and Arulappa Nadar, gifted 3 cents of land to the Church as early as 1952. Thereafter, in the year 1969, another 3 cents was gifted to the Church by Mariya Natchathiram Nadachi. Further, on 18.03.1993, one of the legal heirs of Varuvel Nadar executed a sale deed in favour of the Church conveying an extent of 2.389 cents. Another sale deed was executed by Arulappa Nadar on 22.10.1999 in favour of the Church conveying a further extent of 2.389 cents. Thus, the entire extent of 10½ cents originally allotted to Visuvasam Nadar came to be vested in the Church.



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4. With regard to the remaining 10½ cents allotted to Savarimuthu Nadar, he had gifted 2 cents from the western portion of his share to the Church. Consequently, the Church became entitled to an extent of 12½ cents in total.

5. The legal heir of Savarimuthu Nadar, namely Jelastin Varuvel Raj, filed W.P.(MD) No.16700 of 2025 seeking survey of the land, demarcation of his portion, and issuance of patta in respect of an extent of 12 cents. By order dated 14.08.2025, this Court, without expressing any opinion on the merits of the claim, directed the respondents to consider the application and pass orders on its own merits within a period of twelve weeks. However, instead of passing any order, the respondents issued a communication dated 27.01.2026 in the nature of a memo. Aggrieved by the same, the present writ petition has been filed by the Church.

6. The contention of the petitioner is that the Tahsildar is bound to survey the property after verifying the relevant records produced by the petitioner as well as the legal heirs of Savarimuthu Nadar. It is further contended that Savarimuthu Nadar had gifted 2 cents from his share of the property to the Church



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and, therefore, he could not have retained 10½ cents thereafter. Originally, Savarimuthu Nadar was entitled only to 10½ cents and, after the gift, he retained only 8½ cents. At no point of time the Savarimuthu Nadar was in possession or enjoyment of 12½ cents. Therefore, the legal heirs of Savarimuthu Nadar cannot claim an extent of 12½ cents as their share. In such circumstances, where a dispute exists between the parties regarding extent of the property the Tahsildar is duty-bound to conduct a survey of the property.

7. It is also submitted that the petitioner Church is already in possession of the land and that the entire extent is being used as a burial ground, containing numerous graves.

8. Therefore, the 3rd respondent is directed to issue notice to the petitioner, the legal heirs of Savarimuthu Nadar, particularly Jelastin Varuvel Raj, and any other rival claimants, if any, and thereafter pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. While passing the order the above stated facts shall be taken into



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consideration. Based on the order that would be passed, the Tahsildar shall consider the petitioner's request for issuance of a separate patta within a period of twelve weeks thereafter. The entire exercise shall be completed within the aforesaid time frame from the date of receipt of a copy of this order.

9. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

05.06.2026

Index : Yes / No
NCC : Yes / No
KSA

Note : Issue a copy of order order on 11.06.2026



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S.SRIMATHY, J.

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