

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.10445 of 2016

T.Sundaresan

... Petitioner

vs.

1. The District Revenue Officer
Tiruvannamalai,
Tiruvannamalai District.
2. The Revenue Divisional Officer
Tiruvannamalai,
Tiruvannamalai District.
3. The Tahsildar
Tiruvannamalai Taluik,
Tiruvannamalai,
Tiruvannamalai District.
4. The Tahsildar
Keezhpennathur Taluk,
Keezhpennathur,
Tiruvannamalai District.
5. The Firka Surveyor
(Kuruvatta Alavar),
Vettavalam,
Tiruvannamalai District.
6. Sowriammal

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus, directing the respondents 1 to 4 to issue separate patta to the petitioner with respect to his lands measuring 32 cents in Old S.No.175/3 and 75 cents in Old S.No.175/4, Avoor village, Vettavalam Taluk, Salem District on the basis of the enquiry already conducted by the second respondent on 11.03.2013, after effecting sub-division and making necessary corrections in the Revenue records within the time fixed by this Court.

For Petitioner : Mr.P.Mani
For Respondents : Mr.R.A.S.Senthilvel, AGP

O R D E R

The writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of writ of mandamus, directing the respondents 1 to 4 to issue separate patta to the petitioner with respect to his lands measuring 32 cents in Old S.No.175/3 and 75 cents in Old S.No.175/4, Avoor village, Vettavalam Taluk, Salem District on the basis of the enquiry already conducted by the second respondent on 11.03.2013, after effecting sub-division and making necessary corrections in the Revenue records within the time fixed by this Court.

2. The petitioner has stated that the lands measuring 64 cents in S.No.175/3 and 3.5 acres in S.No.175/4, Avoor village, Tiruvannamalai District belonged to his family. In the family partition, took place on 02.03.1971, the said lands were divided and 32 cents in S.No.175/3 and 75 cents in S.No.175/4 were allotted to the petitioner herein. However, while updating survey number, patta was granted to the petitioner only with respect to 20 cents in S.No.175/3 and no patta was granted with respect to 75 cents in S.No.175/4. The petitioner states that the remaining 12 cents in S.No.175/3 and 75 cents in S.No.175/4 were recorded in the name of the sixth respondent herein and others.

3. After knowing the said facts, the petitioner sent a representation, dated 17.04.2008 to the first respondent, requesting him to issue patta to him, with respect of 32 cents in S.No.175/3 and 75 cents in S.No.175/4 after making necessary correction in the FMB. Subsequently, the first respondent directed the third respondent to conduct enquiry with respect to the said mistake and send his report, in his proceedings, dated 25.05.2008. Thereafter, the third respondent conducted enquiry and sent his report to the second respondent on 05.03.2010, recommending necessary corrections and issue of patta to the petitioner with correct measurements. However, the first respondent did not pass any orders, based on the report sent by the third respondent.

4. The petitioner has further stated that since the the sixth respondent herein and her family members attempted to interfere with his possession of the said lands, the petitioner filed the suit in O.S.No.487 of 2009 on the file of the Principal District Munsif Court, Tiruvannamalai against the sixth respondent herein and others for permanent injunction and the said suit was decreed on 26.04.2010.

5. After the suit was decreed, the petitioner once again requested the second respondent to effect necessary corrections in the FMB and issue separate patta with correct measurements. Thereafter, the second respondent in her office proceedings, dated 20.12.2010, requested the third respondent to take necessary steps for transfer of patta to the petitioner with respect to the said lands. Thereafter, the third respondent issued notice, dated 31.01.2012 to the sixth respondent, informing her that patta is going to be issued to the petitioner herein and called for objections if any. After several requests, the fifth respondent measured the lands on 10.11.2012. The petitioner states since the fifth respondent did not measure the lands in S.No.175/4, he again submitted another petition, dated 20.12.2012 to the third respondent, requesting him to measure both the survey numbers and issue separate patta to the petitioner. The third respondent once again sent his report to the second respondent on 28.01.2013 and the second respondent also once again conducted enquiry on 11.03.2013. Thereafter, no further action was taken.

6. According to the petitioner, though the respondents 1 to 5 have already conducted the enquiry and surveyed the lands, they ought to have passed necessary orders and issued separate patta to the petitioner with respect to his lands. But the respondents have not issued separate patta after making necessary corrections in the revenue records. Hence, the petitioner has come forward with the present writ petition, seeking for the relief as stated supra.

7. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

8. Though the writ petition has been filed for a positive direction, this Court is not inclined to grant the same. However, considering the facts and circumstances, this Court directs the respondents 1 to 4 to pass appropriate orders, with regard to issue of separate patta to the petitioner with regard to his lands measuring 32 cents in Old S.No.175/3 and 75 cents in Old S.No.175/4, Avoor village, Vettavalam Taluk, Salem District, on the basis of the enquiry already conducted by the second respondent on 11.03.2013, within a period of eight weeks from the date of receipt of a copy of this order, after affording reasonable opportunity of personal hearing to the petitioner as well as to the sixth respondent and to all other necessary parties. It is also made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner and it is open to the respondents to decide the issue purely on merits and in accordance with law.

9. With the above observations, this writ petition is disposed of. No costs.

tsvn

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

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Tiruvannamalai,
Tiruvannamalai District.
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(Kuruvatta Alavar),
Vettavalam,
Tiruvannamalai District.

+ 1 cc to Mr.P.Mani, Advocate, SR 17852

+ 1 cc to Govt.Pleader, High Court, Madras SR 18091

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