



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2017

CORAM:

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
and

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.A. (MD) No.705 of 2017

L.Chidhambaram

... Appellant

-vs-

1. The Thasildar
Devakottai Taluk
Sivagangai District

2. The Divisional Inspector of Surveyor
Land Records
Devakottai Division, Sivagangai District

3. S.Vaitheeswaran

4. VR.Arunachalam

5. CT.Ramanathan @ Kannan

6. CT.Meenakshi Sundaram

7. Valliammal Achi

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 03.04.2017 in W.P.(MD).No.5657 of 2017, on the file of this Court.

Prayer in WP(MD). 5657/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS to direct the 1st and 2nd Respondents to measure the entire landed property in T.S.No.4 Block No.15 Town Survey Ward A Kannankottai Group, devakottai Town, Sivagangai district and divide the same as 3 equal lots and to allot one share to the petitioner to the extend of 6.52 3/4 Acres in view of the Receiver Report in I.A.No.589 of 1963 in O.S.No.97 of 1952 on the file of the Sub Court, Devakottai and pass such further orders.

For Appellant

:Mr.V.Kannan

For Respondents

:Mr.V.R.Shanmuganathan

Spl. Govt. Pleader for R1 & R2

**J U D G M E N T**

(Judgment of the Court by T.S.SIVAGNANAM, J.,)

Mr.V.R.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2.

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2. With the consent of both sides, this writ appeal is taken up for final hearing at the admission stage itself.

3. This writ appeal by the writ petitioner is directed against the order, dated 03.04.2017 in W.P.(MD).No.5657 of 2017, which was filed praying for a direction upon the respondents 1 and 2 to measure the entire landed property, comprised in T.S.No.4, Block No.15, Ward-A, Kannankottai Group, Devakottai Town, Sivagangai District, and to divide the same into three equal lots and to allot one share to the appellant based on the Receiver Report in I.A.No.589 of 1963 in O.S.No.97 of 1952, on the file of the Sub Court, Devakottai.

4. The second respondent, who is the Divisional Inspector of Survey, has surveyed the property and submitted a report stating that the total extent of the land belonged to the appellant is only 6.37 Acres and not 6.52 3/4 Acres. According to the appellant, the said extent is incorrect as he is entitled to larger extent and the Receiver Report, which was filed in the civil proceedings was not taken into consideration.

5. In our considered view, the second respondent / Divisional Inspector of Surveyor cannot be called upon to take note of the Receiver Report filed before the Civil Court and if according to the appellant, he is entitled to grant of Patta for larger extent, he has to approach the first respondent / Thasildar, Devakottai Taluk, for necessary relief. Thus, for all the above reasons, we are of the view that no ground has been made out to interfere with the impugned order passed in the writ petition.

6. In the result, the writ appeal fails and it is dismissed. However, the appellant is at liberty to approach the first respondent / Tahsildar, Devakottai Taluk, by way of representation enclosing all necessary documents and the first respondent / Tahsildar shall consider the same, after issuing notice to the appellant as well as the respondents 3 to 7. It is made clear that we have not considered the correctness of the claim made by the appellant and it is for the first respondent to do the needful in accordance with law. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar



To:

1. The Thasildar,
Devakottai Taluk,
Sivagangai District.

2. The Divisional Inspector of Surveyor,
Land Records,
Devakottai Division, Sivagangai District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 61637

KRK

PSM/MR-KKR/SAR2/05.07.2017/3P/4C

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