



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.11.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD) No. 23913 of 2019

WEB COPY

Malarselvi

... Petitioner

Vs.

1.The District Collector,
Collectorate, Pudukkottai.

2.The Revenue Divisional Officer,
Pudukkottai.

3.The Tahsildar,
Taluk Office, Alangudi,
Pudukkottai District.

4.The Head Surveyor,
Taluk Office, Alangudi,
Pudukkottai District

5.Suriyamoorthi

6.Inbam

7.Vijaya

... Respondents

PRAYER:- 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 rectify the error in the field measurement book in respect of survey Nos.108/22, 108/23 and 108/18 by providing a common pathway with a width of 23 feet on the south of Survey Nos.108/3, 108/4, 108/5, 108/6, 108/14 and 108/15 and on north of Survey Nos.108/9, 108/10, 108/18, 108/22 and 108/23 of Keeramangalam North Village, Alangudi Taluk, Pudukkottai District.

For Petitioner

:Mr.R.P.Ramachanthiran

For Respondents

: Mr.K.MU.Muthu

Additional Government Pleader
for R.1 to R.4

ORDER

Mr.R.P.Ramachanthiran, learned Counsel on record for writ
petitioner is before this Court.

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2. From the case file placed before this Court and from the submissions made by learned Counsel for writ petitioner, it comes to light that the respondents 6 to 7 (private respondents) are purchasers of certain extents of lands from fifth respondent and so is the writ petitioner. In other words, the writ petitioner and respondents 6 and 7 are purchasers of different extents of lands from the fifth respondent.

3. Though the prayer in the writ petition is to mandamus respondents 1 to 4 to rectify what according to the writ petitioner is an error in the field measurement book in respect of S.Nos.108/22, 108/23 and 108/18 in Keeramangalam Village, Alangudi Taluk, Pudukkottai District (hereinafter 'said land' for brevity), a careful perusal of the case file and typed set of papers reveals that the plea is effectively one of provision of 23 feet pathway. It is the case of the writ petitioner that the fifth respondent (private respondent) - vendor's brother has provided such pathway to respondents 6 and 7 and the said benefit has not been extended to writ petitioner.

4. Therefore it emerges clearly that there is no error in the revenue records. Error if any can only be attributed to the sale deed executed by the fifth respondent. If that be so, remedy is to get a rectification deed registered. This Court is informed by learned Counsel for writ petitioner that fifth respondent is unwilling to execute rectification deed.

5. If this is the case and if the writ petitioner verily believes that she is entitled to 23 feet pathway and it should also be conveyed by the fifth respondent and if the writ petitioner verily believes that she has paid for the same also, it is for the writ petitioner to work out her remedy by filing a civil suit *inter alia* against the fifth respondent. It follows as a sequitur that the writ petitioner has not made out a case for issue of writ of mandamus qua official respondents.

6. In the light of the narrative thus far, this Court is left with the considered view that this writ petition is bereft of merits and therefore, the same is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)



To **சென்னை**

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+1 CC to M/s.R.P. RAMACHANTHIRAN, Advocate (SR-97895[F] dated
13/11/2019)

+1 CC to M/s.GP (SR-98426[F] dated 14/11/2019)

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