



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.25603 of 2019

WEB COPY

A.Ponram

.. Petitioner

Vs.

1.The District Collector,
O/o Collector,
Madurai Road, Theni,
Theni District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Indira Nagar,
Uthamapalayam,
Theni District.

3.The Tahsildar,
Taluk Office,
Uthamapalayam,
Theni District.

4.The Head Surveyor,
Taluk Office,
Uthamapalayam,
Theni District.

.. Respondents

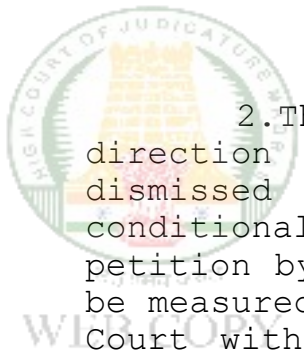
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 4 to carry out the survey of the dry lands in Survey No.1227/4B, 1238 and 1239/2 situated at Keela Gudalur (West), Uthamapalayam Taluk, Theni District, based on the petitioner's representation dated 11.10.2019.

For Petitioner : Mr.K.Safar Badhusa

For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to carry out the survey of the dry lands in Survey No.1227/4B, 1238 and 1239/2 situated at Keela Gudalur (West), Uthamapalayam Taluk, Theni District, based on the petitioner's representation dated 11.10.2019.



2.The petitioner has filed a writ petition for similar direction earlier in W.P.(MD).No.23322 of 2019 and this Court dismissed the writ petition as withdrawn and the withdrawal was conditional as the petitioner was permitted to file fresh writ petition by enclosing title deeds for the lands which are sought to be measured. It is seen that the petitioner has now approached this Court with certain documents. According to him, those documents would *prima facie* disclose his title. But no Revenue Record is produced to show that the petitioner's title deeds were recognized by the Revenue Officials or that the petitioner was recognized as the owner of the properties. Unless the petitioner gets his name registered as owner in revenue records or the names of petitioner's predecessors in interest is included in revenue records as pattadar, the revenue is not required to oblige the petitioner to carry out survey.

3.Be that as it may, the petitioner cannot be given relief regarding survey of his land based on his title deeds. It may be open to the petitioner to seek separate patta if he has got sufficient material on the basis of documents and Records if there is no rival claim to the land. In case a rival claim to the land, the respondents are not the proper persons to decide the petitioner's title. It is only the civil court which is competent to decide the title of a person in case of rival claim in respect of any property. This Court having regard to the nature of relief sought by the petitioner presumed that there may be rival claim in respect of the properties, for which the petitioner has submitted a representation for surveying the land. Survey or demarcation can be done only if one's title is established by revenue records. Without his name or the name of his predecessors in interest is included in revenue records, the revenue officials cannot be asked to fix boundaries on the basis of title deeds.

4.In such circumstances, liberty is given to the petitioner to approach the civil court to declare the petitioner's right in respect of the specific property on the basis of the document of title produced by him. If there is no rival claim, the petitioner is permitted to approach the Revenue Officials for getting patta by sub division.

5.With the above observations and directions, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

Sub Assistant Registrar(CS)



1.The District Collector, Theni District.

2.The Revenue Divisional Officer, Uthamapalayam, Theni District.

3.The Tahsildar, Uthamapalayam, Theni District.

4.The Head Surveyor, Uthamapalayam, Theni District.

+1 CC to M/s.SPL GP (SR-103109[F] dated 03/12/2019)

+1 CC to M/s.K.SAFAR BADHUSA, Advocate (SR-103201[F] dated 03/12/2019)

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