



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.12.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.25815 of 2019

WEB COPY

S.Khader Maideen

... Petitioner

vs.

1.The Assistant Director,
District Town Survey Department,
Trichy District.

2.The Firka/Town Surveyor,
Manapparai Taluk, Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to survey the land of the petitioner as applied by the petitioner through his application, dated 19.08.2019.

For Petitioner : Mr.Chamundi Bose

For Respondents : Mr.C.Ramar

Additional Government Pleader

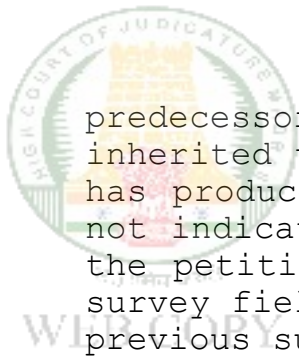
O R D E R

This Writ Petition is filed to direct the respondents to survey the land of the petitioner as applied by the petitioner through his application, dated 19.08.2019.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner though a senior citizen, has approached this Court with a prayer without proper documents to support his claim. Though the petitioner states that by a registered partition deed, dated 28.09.1980, the petitioner acquired certain rights in S.No.716/10 situated at Trichy Registration Sevvalur Village, Trichy, except the partition deed, no other document is produced before this Court to show that the petitioner's name has been included in the revenue records or patta has been issued to the petitioner recognising his title to the property, namely, an extent of 23 cents in S.No.776/10.

4.The prayer in the Writ Petition is to survey the land of the petitioner. As stated earlier, the petitioner has produced only a partition deed. The revenue records before and after partition deed are not produced by the petitioner to prove that his



predecessor-in-interest had right over the land and that he had inherited the same from his predecessor-in-interest. The petitioner has produced only a receipt of payment of property tax, which does not indicate that the same is in respect of the property, for which the petitioner claims title. As per revenue standing order, every survey fields will be measured after fixing boundary stones based on previous survey records and the documents of title.

5.The settlement before and after Inam abolition Act, were completed after a survey. Hence, the revenue records, prepared after settlement and prepared after UDR is relevant. If the petitioner's name or the names of his predecessor-in-interest are not found in the revenue records, the petitioner cannot file an application to survey the land. If he establishes his right to get patta, the authorities can consider his application under the provisions of Tamil Nadu Patta Pass Book Act, subject to the limited jurisdiction of the authorities under the Act. Only after getting his name included in the patta or separate patta for the land, the petitioner can approach the revenue officials to survey or demarcate the land in terms of the revenue records.

6.When there is no patta in favour of the petitioner, the petitioner's request cannot be considered. Assuming that the petitioner is in possession and enjoyment of the property, if the petitioner's title and enjoyment is not in question and his claim of title can be accepted, without any rival claim, the petitioner can apply for patta without any difficulty. In case, there is a rival claim, the petitioner can still approach the Civil Court to establish his title and to get revenue records mutated.

7.The learned Counsel for the petitioner has admitted that no patta has been granted in favour of the petitioner. Hence, reserving liberty to the petitioner to approach either the Civil Court or revenue authorities for getting patta, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

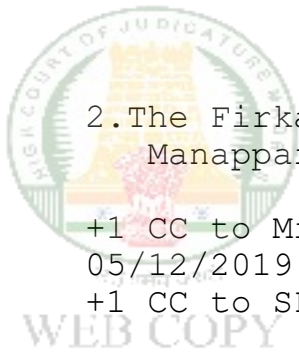
Sub Assistant Registrar(CS)

cmr

To

1.The Assistant Director,
District Town Survey Department,
Trichy District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Firka/Town Surveyor,
Manapparai Taluk, Trichy District.

+1 CC to Mr.CHAMUNDI BOSE, Advocate (SR-103514[F] dated
05/12/2019)

+1 CC to SPL GP (SR-103579[F] dated 05/12/2019)

W.P.(MD)No.25815 of 2019
04.12.2019

MK (26.12.2019) 3P 5C