



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.3083 of 2020

Muthunarayanan

.. Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Madurai North,
Thirupparankundram,
Madurai District.

2.The Head Surveyor,
Taluk Office,
Madurai North,
Thirupparankundram,
Madurai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to survey and fix the boundary stones the petitioner's land in survey No.140/1 with an extent of 20 cents situated at Vilangudi Village, Madurai North Taluk, Madurai District based on the petitioner's representation, dated 27.11.2019, within a time frame stipulated by this Court.

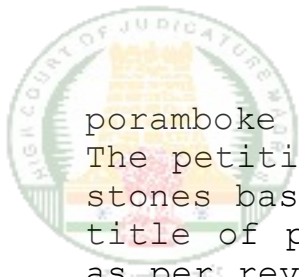
For Petitioner : Mr.G.Kasinathadurai
For Respondents : Mr.C.Ramar,
Additional Government Pleader

ORDER

This writ petition is filed for issuing a direction to the respondents to survey and fix the boundary stones in the petitioner's land in survey No.140/1 with an extent of 20 cents situated at Vilangudi Village, Madurai North Taluk, Madurai District based on the petitioner's representation, dated 27.11.2019, within a time frame stipulated by this Court.

2.Mr.C.Ramar, learned Additional Government Pleader, takes notice for respondents. Heard both sides. Considering the facts and circumstances of this case, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has produced before this Court a copy of sale deed, dated 23.08.1983 showing that he has purchased an extent of 20 cents out of total extent of 1.55 acres in S.No.140/1 in Vilangudi Village Madurai North Taluk. Though the petitioner has purchased this property with reference to four boundaries, the three boundaries are properties which are put to common use or



poramboke or water body and only one boundary shows private land. The petitioner cannot expect the revenue officials to fix boundary stones based on the sale deed unless the petitioner's title or the title of petitioner's predecessor in interest had been recognized as per revenue records. The petitioner has not produced any patta or revenue record to show that patta had been given to the petitioner in respect of the property.

4.R.S.O. 27(iv) reads as follows:

"4.Entry of names in joint patta.-The entry of names in a joint patta will be made without reference to the extent of land enjoyed by each holder."

5.The petitioner has not even produced any joint patta so as to presume that the petitioner is the owner in respect of the extent of land purchased by him.

6.The learned Additional Government Pleader produced before this Court, the memo of Tahsildar, dated 24.01.2020. As per the memo, the Tahsildar has made an inspection of the property and found that the property purchased by the petitioner in S.No.140/1 in Vilangudi Village has been registered as Government Poramboke and Odai. Since the property has been registered as Government Poramboke or water body as per revenue records, there is no scope for issuing any writ directing the respondents to grant patta or demarcating the land.

7.Hence, the writ petition is dismissed. However, it is open to the petitioner to file a Civil suit to get a declaration of his title, by producing authenticated title documents to establish his title and enjoyment. In case, the Civil Court grant a decree declaring the petitioner's title impleading all the necessary parties, it is open to the petitioner to seek appropriate relief for getting separate patta. No costs.

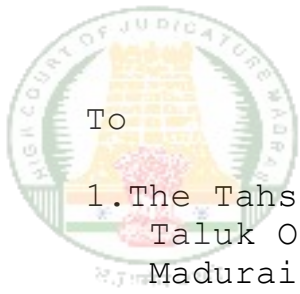
Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)



To

1.The Tahsildar,
Taluk Office,
Madurai North,
Thirupparankundram,
Madurai District.

2.The Head Surveyor,
Taluk Office,
Madurai North,
Thirupparankundram,
Madurai District.

+1 CC to MR.G.KASINATHA DURAI, Advocate (SR-6633[F] dated
17/02/2020)

+1 CC to SPL.GP (SR-6785[F] dated 18/02/2020)

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