



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

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THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P. (MD) No.24155 of 2018

N.R.Buvaneeswaran

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The District Land Surveyor,
District Land Surveyor Office,
Dindigul District,
Dindigul.

3.The Assistant Director,
District Land Surveyor Office,
Dindigul District,
Dindigul.

... Respondents

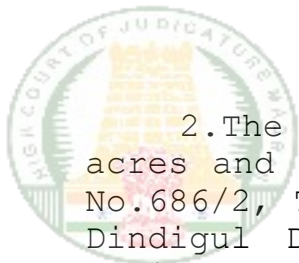
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the second and third respondents to conduct a proper land survey and sub divide petitioner's 2 acre 96 cents of petitioner's family property comprised in old survey number 686/B, new survey No.686/2, T.S.No.61/1 at Ward C Villpatti Village, Kodaikanal Taluk, Dindigul District on the basis of the application dated 25.10.2018.

For Petitioner : Mr.C.Ezhilarasu
for M/S.T.Indrachithu

For Respondents : Mr.A.Muthu Karuppan,
Additional Government Pleader.

ORDER

This writ petition has been filed to direct the second and third respondents to conduct a proper land survey and sub divide the petitioner's 2 acre 96 cents of petitioner's family property comprised in old survey number 686/B, new survey No.686/2, T.S.No.61/1 at Ward C Villpatti Village, Kodaikanal Taluk, Dindigul District on the basis of the application dated 25.10.2018.



2.The case of the petitioner is that the land to an extent of 2 acres and 96 cents comprised in old survey number 686/B, new survey No.686/2, T.S.No.61/1 at Ward C Villpatti Village, Kodaikanal Taluk, Dindigul District is the ancestral property of the petitioner's family. The petitioner produced a sale deed of the year 1920, which stands in the name of one Ramaiar, which was registered as Document No.376/1920 before the Kodaikanal Sub Registrar Office. The petitioner has produced documents to show that the property was leased out by the petitioner to one Palaniappa Gounder.

3.It is stated that the said Palaniappa Gounder who took the property on lease, executed a sale deed as owner. In the meanwhile, the lands were acquired by the Tamilnadu Adidraavidar Welfare Department vide G.O.No.1633 of 1984. The said acquisition proceedings was challenged before this Court in a writ petition in W.P.(MD)No.9571 of 1986 by P.Nataraj, who is the son of said Ramaiar. This Court quashed the acquisition proceedings by allowing the writ petition. Thereafter, a suit was filed in O.S.No.322 of 1994 on the file of the Sub-Ordinate Judge, Madurai. The petitioner has produced a petition and order in I.A.No.77 of 1994 in O.S.No.322 of 1994. Final judgment and decree in O.S.No.322 of 1994 is not produced by the petitioner. It is stated that the legal heirs of the Ramaiar including the said Nataraj have not preferred any appeal as against the order of the Civil Court.

4.The petitioner has not produced before this Court the final judgment or decree in the suit, as stated earlier, but produced only the order passed in the interlocutory application which is not sufficient to presume title of the property in favour of the petitioner. The petitioner's claim of title can be adjudicated only by the Civil Court. The petitioner has not produced the geology or acceptable document to show how the petitioner's claim for title is upheld in the suit in O.S.No.322 of 1994. The interim injunction obtained in I.A.No.77 of 1994 is only to restrain the defendants in the suit from alienating the property.

5.In the said circumstances, the petitioner's prayer to survey the land as if the property belonged to petitioner's family cannot be decided by this Court or by revenue officials. The Public Information Officer, Kodaikanal by his communication dated 19.04.2018 has stated that the entire extend in T.S.No.61/1 is occupied by several houses and work-shops.

6.In the said circumstances, this Court is not inclined to entertain this writ petition for surveying and demarcating the lands. If the petitioner establishes his title by getting a declaration before the Civil Court, It is open to the petitioner to approach the respondents for subdivision or separate patta. In case, the petitioner succeed before the civil Court, it is open to the petitioner to approach the revenue officials for sub division and then for survey and demarcation of the land.



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7. With the above observations, this writ petition is dismissed.
No costs.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Dindigul District, Dindigul.

2. The District Land Surveyor,
District Land Surveyor Office,
Dindigul District, Dindigul.

3. The Assistant Director,
District Land Surveyor Office,
Dindigul District, Dindigul.

+1 CC to Mr. C. EZHILARASU, Advocate (SR-1434[F] dated 10/01/2020)

+1 CC to SPL.GP (SR-1931[F] dated 20/01/2020)

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10.01.2020

VB(06.02.2020) 3P 6C