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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.13954 of 2018

M.Malairaj .. Petitioner

Vs.

1.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram District.

2.The Taluk Surveyor,
Muthukulathur Taluk,
Ramanathapuram District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents herein to survey the petitioner's land and issue patta of the property situated in Survey No.306/2A, Kadambodai Village, Thaliyarendal Group, Muthukulathur Taluk, Ramanathapuram District considering the petitioner's representation, dated 11.10.2017, within a time frame fixed by this Court.

For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, to direct the respondents herein to survey the petitioner's land and issue patta in respect of the property situated in Survey No.306/2A, Kadambodai Village, Thaliyarendal Group, Muthukulathur Taluk, Ramanathapuram District.

2.The petitioner states that his mother executed a settlement deed in his favour on 07.02.1999 in respect of extent of 2 1/8 cents in S.No.306/2A. However, in the representation, dated 11.10.2017, the petitioner requested the Tahsildar to survey the land and give patta to the petitioner. The petitioner has not produced before this Court the patta stands in the name of his mother. Unless the

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petitioner produce before the revenue authorities showing the ownership in favour of his predecessor in interest as per revenue records, it is not possible for the respondents to consider the representation of the petitioner for granting patta. The petitioner neither states that patta was issued to his mother nor produce before this Court any document of title or revenue records indicating that patta stood in the name of his mother or his predecessors in interest earlier.

3.In such circumstances, this Court is unable to entertain the writ petition as the Tahsildar concerned is not supposed to conduct an enquiry regarding title and modify revenue records as per his decision. This writ petition is therefore devoid of any merits. The petitioner is liberty to approach the civil court to establish his title in the manner known to law and then to approach the Tahsildar for modification of records in accordance with any declaration if he gets from civil court as to his title.

4.The petitioner states that his mother Ramayee ammal purchased an extent of 2 1/8 cents in S.No.306/2A by virtue of a registered sale deed. In case the petitioner is able to produce the revenue records in favour the vendor of petitioner's mother, the petitioner's application shall be considered by the Tahsildar after verifying that the name of petitioner's vendor still find place in revenue records as pattadars.

5.With the above directions, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD I)

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/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram District.

2.The Taluk Surveyor,
Muthukulathur Taluk,
Ramanathapuram District.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-1541[F] dated 10/01/2020)

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