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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.17604 of 2019

Pachaiammal ... Petitioner

Vs

- 1.The District Collector,
Dharmapuri District,
Dharmapuri
- 2.The Assistant Director Survey Department,
District Collector Office,
Dharmapuri District,
Dharmapuri
- 3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District,
Dharmapuri
- 4.The Tahsildar,
Urban Land Ceiling Department,
Dharmapuri District,
Dharmapuri

(fourth respondent impleaded vide court order dated 29.10.2021 made in WMP.No.24675 of 2021 in WP.No.17604 of 2019) ... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the representation of the petitioner dated 05.10.2018 to alter the revenue records by incorporating 2 acres 10 cents that is 8550 sq.mtr in respect of old survey No.336/3, 337/3, new town survey No.9/5 Vellaigounderpalayam Village, Dharmapuri Taluk and District.

For Petitioner : M/s.T.Sreelekha

For Respondents : Mr.A.Selvendran,
Special Government Pleader



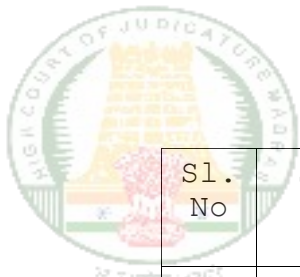
ORDER

This writ petition has been filed to issue a writ of mandamus directing the respondents to consider the representation of the petitioner dated 05.10.2018 to alter the revenue records by incorporating 2 acres 10 cents that is 8550 sq.mtr in respect of old survey No.336/3, 337/3, new town survey No.9/5 Vellaigounderpalayam Village, Dharmapuri Taluk and District.

2. The case of the petitioner is that the land comprised in old survey Nos.336/3, 337/3, new town survey No.9/5 to an extent of 2.10 acres (8550 sq.mtrs.) is in possession and enjoyment of the petitioner. However, revenue records were recorded as 8000 sq.mtrs instead of 8550 sq.mtrs. Even in the FMB sketch, it was mentioned as northern side 43.6 meters and southern side 39.6 meters. Therefore, she made representation to the respondents to alter the revenue records by incorporating 2 acres 10 cents instead of 8000 sq.mtrs.

3. The respondents filed counter, which revealed that the property comprised in survey No.9/5, old survey Nos.336/3 and 337/3 was purchased by the petitioner's mother i.e. Tmt.Muniammal W/o Krishnappa Naidu. The corresponding Town Survey No. is 9/5 which is Block No.16, ward A, Dharmapuri. As per the Fair Area List of Dharmapuri Town, measured on 29.01.1991 as 8050 sq.mtrs. Accordingly, Town Survey Field Register recorded as 8050 sq.mtrs. After demise of her mother, the entire property has been sub divided into 16 shares as per their partition deed dated 03.06.2013 between the family members. Accordingly, it is sub divided as follows:

Sl. No	Survey No.	Extent (in sq.mtrs)	Assessment Rs.	Name of Pattadar
1	9/5A	218	5.00	Vasudevan S/o Krishnappa Naidu
2	9/5B	218	5.00	Govindan S/o Krishnappa Naidu
3	9/5C	218	5.00	Pachiammal W/o Gopinath
4	9/5D	618	15.00	Vasudevan S/o Krishnappa Naidu
5	9/5E	604	15.00	Govindan S/o Krishnappa Naidu
6	9/5F	597	15.00	Pachiaammal W/o Gopinath



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Sl. No	Survey No.	Extent (in sq.mtrs)	Assessment Rs.	Name of Pattadar
7	9/5G	598	15.00	Madheswaran S/o Krishnappa Naidu
8	9/5H	603	15.00	Srinivasan S/o Krishnappa Naidu
9	9/5I	1022	30.00	Krishnappa Naidu sons and daughter 1.Govindan 2.Vasudevan 3.Srinivasan 4.Madheswaran 5.Pachiammal W/o Gopinath
10	9/5J	232	10.00	Madheswaran S/o Krishnappa Naidu
11	9/5K	232	10.00	Srinivasan S/o Krishnappa Naidu
12	9/5L	577	15.00	Srinivasan S/o Krishnappa Naidu
13	9/5M	564	15.00	Madheswaran S/o Krishnappa Naidu
14	9/5N	558	15.00	Pachiammal W/o Gopinath
15	9/5O	580	15.00	Govindan S/o Krishnappa Naidu
16	9/5P	611	15.00	Vasudevan S/o Krishnappa Naidu

4. Accordingly, the petitioner was allotted 558 sq.mtrs and the property sub division survey No. is 9/N (1373 sq.mtrs.). The entire extent as per the Town Survey Records and as per the partition deed tallies without any error. Therefore, the petitioner cannot claim more extent stating some old survey No., that too, after lapse of more than three decades. If at all the petitioner had more extent of the land, she should have specifically pointed out, in whose possession of her land lies. As per the partition deed, she has got only 558 sq.mtrs of land and the same was duly measured and subdivision was issued in favour of the petitioner and other shareholders. In fact, except the petitioner no other family members of the petitioner have any grievance in respect of the total extent of the property. As per the partition deed dated 03.06.2013 registered vide document No.1511 of 2013, the entire land was ordered for sub division by the Special Tahsildar, Town Settlement, Dharmapuri in Roc.SR.No.2407/ 2012-2013 dated 30.08.2013 for extent of 8050



sq.mtrs.

5. On perusal of records produced by the respondents also revealed that the total extent of the land is only 8050 sq.mtrs. Accordingly, as per the partition deed dated 03.06.2013, the total extent of the property has been subdivided in accordance with their respective shares. The partition deed also tallies with the survey records and as such, the request of the petitioner cannot be considered and the writ petition is devoid of merits.

6. Accordingly, this writ petition is dismissed. No order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Dharmapuri District,
Dharmapuri
- 2.The Assistant Director Survey Department,
District Collector Office,
Dharmapuri District,
Dharmapuri
- 3.The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District,
Dharmapuri
- 4.The Tahsildar,
Urban Land Ceiling Department,
Dharmapuri District,
Dharmapuri

+1cc to Mr.D.Rajagopal, Advocate SR.No.60358

WP.No.17604 of 2019

KSM(CO)
GMY(03/12/2021)