



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.16930 of 2021

V. Ramakrishnan

...Petitioner

-Vs-

1. The Collector,
Villupuram District,
Villupuram.

2. The Tahsildar,
Kandachipuram Taluk,
Kandachipuram.

...Respondents

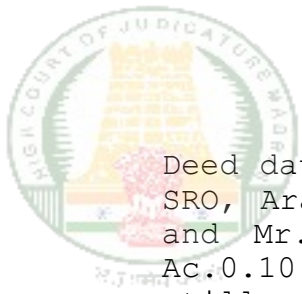
PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 2nd respondent to rectify the FMB plan and measurements in respect of property of the petitioner bearing 111/1A -Ac.0.10, Devanur Village, Kandachipuram Taluk in accordance with the Patta No.2191 by considering his representation dated 08.03.2021 and pass orders accordingly.

For Petitioner	::	Mr.D. Baskar
For Respondents	::	Mr. K. M. D. Muhilan (Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the 2nd respondent to rectify the FMB plan and measurements in respect of property of the petitioner bearing 111/1A -Ac.0.10, Devanur Village, Kandachipuram Taluk in accordance with the Patta No.2191 by considering his representation dated 08.03.2021 and pass orders accordingly.

2.The learned counsel for the petitioner would submit that a total extent of Ac.0.24 in S.No.111/1A in Devanur Village, Kandachipuram Taluk, originally is belonged to Mr.R. Mahesh S/o. Rajaram which has been registered under a partition deed dated 18.02.2009 in document No.747 of 2009 on the file of the SRO, Aragandanallur. The petitioner herein has purchased an extent of Ac.0.10 from Mr. R. Mahesh, through his General Power of Attorney Holder Mr. E. Sivakumar, under a registered Sale



Deed dated 24.05.2010 in Document No.2621 of 2010 on the file of SRO, Aragandanallur. Further, in the said property, Mr. Nitheesh and Mr. P.M. Mahaveerchand were conveyed a total extent of Ac.0.10 and Ac.0.03 to Mrs. Maheswari and rest of Ac.0.01 is still with Mr. Mahesh. They are enjoying and possessing the property as per their right, title, and interest in the property. While being so, there exist discrepancies in the extent mentioned in Patta which has been given based on the title deed and the FMB. As per the FMB, the measurements are as follows:

$$\begin{aligned} &= \frac{29.2 + 33.2}{2} \times \frac{10.4 + 10.4}{2} \\ &= 31.2 * 10.4 = 324.48 \text{ Sq. Mtrs.} \\ &= 324.48 * 10.76 = 3491.4 \text{ Sq. ft.} \\ &= 3491.4 \\ &\text{-----} \\ &435.6 = \text{Ac.0.08} \end{aligned}$$

3. It has been further submitted that after purchase of the said property in the year 2009, mutation was made in the year 2012. The petitioner has been enjoying the property without any interference or disturbance from any person including the adjacent land owner. After coming to know about the discrepancies in the extent of the said property, the petitioner has made a representation dated 08.03.2021 to the 1st respondent herein along with all related documents in support of his claim who forwarded the same to the 2nd respondent herein. However, there is no action taken till now on his representation dated 08.03.2021. In view of the discrepancies in the extent of the said property, the petitioner is not able to deal with the property. Further, the adjacent owner of the petitioner is proposing to sell his property and if any conflict occurs, it will cause unnecessary litigation and multiplicity of proceedings. Hence, the petitioner is left with no other option by invoking under Article 226 of the Constitution of India, seeking writ of Mandamus for a direction to the 2nd respondent to consider his representation dated 08.03.2021.

4. The learned Government Advocate would submit that the petitioner has had a valid document under registered Sale Deed dated 24.05.2010 in Document No.2621 of 2010 on the file of the SRO, Aragandanallur. However, if there are any discrepancies in the FMB, it should be rectified by the authority concerned. Hence, the 2nd respondent may be directed accordingly.

5. In view of the submissions made by the learned Government Advocate, as the said property measuring to the



extent of Ac.0.24 in S.No.111/1A in Devanur Village, Kandachipuram Taluk, is divided into four divisions in which one of the portion to the extent of Ac.0.10 is conveyed to the petitioner herein, the Revenue Authority is directed to measure the said property after verifying the valid documents registered by the petitioner with the concerned SRO and other related documents. If there is any discrepancy in the extent of the said property, the respondents are directed to rectify the same accordingly and pass orders on the representation dated 08.03.2021 of the petitioner herein in accordance with law within a period of four months from the date of receipt of copy of this order after affording sufficient opportunity to the petitioner herein.

6. With the aforesaid directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The Collector,
Villupuram District,
Villupuram.
2. The Tahsildar,
Kandachipuram Taluk,
Kandachipuram.

+1 CC to Mr.D.Baskar, Advocate, Sr 43732.
+1 CC to The Government Pleader, Sr 43918.

W.P. No.16930 of 2021

PCH(CO)
LS(20/10/2021)