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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.19422 OF 2021

Mr.N.Selvam

...Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Dharmapuri.

2.The Tashildhar,
Palacode Taluk,
Palacode.

3.The Town Surveyor,
Palacode Taluk,
Palacode.

4.The Village Administrative Officer,
Seriyaanaalli Village,
Palacode Taluk,
Dharmapuri.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Mandamus, to direct the 2nd to 4th respondents herein to survey the petitioner's land measuring about 1344 Sq.Ft situated in Survey No.920/1B1A2 at Palacode Village, Palacode Taluk, Dharmapuri District based on the petitioner's application dated 22.04.2021 and issue a separate patta in the name of the petitioner.

For Petitioner : Mr.C.Vigneshwaran

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This Writ Petition has been filed for a mandamus to direct the respondents 2 to 4 herein to survey the petitioner's land measuring about 1344 sq.ft situated in S.No.920/1B1A2 at Palacode Village, Palacode Taluk, Dharmapuri District based on the petitioner's application dated 22.04.2021 and issue a separate patta in the name of the petitioner.



2.The case of petitioner is that the vacant land comprising in S.No.920/1B in Palacode Village, Palacode Taluk of Dharamapuri District originally belonged to one Mr.M.Muthusamy and in the year 1992, the said M.Muthusamy by way of General Power of Attorney appointed one Mr.M.Magendran as an Agent to deal with the subject property mentioned above, the Power of Attorney dated 05.02.1992 in favour of M.Magendran was as registered Document No.2 of 1992 before the Sub-Registrar Palacode.

3.The petitioner submits that Mr.M.Magendran on behalf of Mr.Muthusamy (Principal) had executed a Sale Deed to and in favour of one Mrs.Seleen Selvi, the same was registered as Document No.580 of 2005 before the Sub-Registrar, Palacode and pursuant to the same, the said person had mutated the Revenue Records in her name and Patta No.2606 was also issued in the name of Mr.Seleen Selvi.

4.The petitioner further submits that the patta has been issued jointly in favour of 17 others for the whole of S.No.920/1B1A2, whereas the said Seleen Selvi only owned 1344 sq.ft and ever since the date of purchase, the said Seleen Selvi has been in continuous enjoyment and possession of the said property and the same is evident from the Revenue Records which stands in her name.

5.According to the petitioner, the said Seleen Selvi in the year 2009 converted to Islam and had changed her name to A.Mohammadhi and on 05.03.2021, the said A.Mohammadhi executed a Sale Deed in favour of the petitioner with respect to 1344 sq.ft of land in New S.No.920/1B1A2 in Palacode Village, Palacode Taluk of Dharamapuri District, the same was registered as Document No.895 of 2021 before the Sub-Registrar, Palacode by paying due sale consideration.

6.According to the petitioner, pursuant to the purchase of the above mentioned property, he had applied for the transfer of patta in his favour on 05.03.2021 and had paid fee of Rs.400/- for transfer of patta vide receipt No.TNIGRS/2021/Rural/21439461/05032021173504 and he was also given an acknowledgement for the same and thereafter, his name has been incorporated in the Revenue Records and patta is also transferred in his name.

7.The petitioner submits that thereafter he had taken possession of such lands and when he was about to raise a compound wall in the said land certain other persons had raised objections as to the extent of the lands purchased by him and also disputed the boundaries of the lands purchased by him and therefore, in order to avoid boundary disputes, he had made an



application dated 22.04.2021 to the second respondent herein to survey his land comprising in S.No.920/1B1A2 and he has also paid the necessary fee of Rs.800/- to the Treasury for the conducting survey of his property.

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8.The petitioner further submits that he was informed by the Officials that the previous owner i.e Mr.Magendran Power of Attorney who sold the property to Mrs.Seleen Selvi had also conveyed the property comprising in the same survey number to some other persons also but to the extent of the property and the boundaries of the same is concerned it is not the same, though the requisite fees has been paid, the respondents had not conducted the survey and the same leading to several disputes.

9.According to the petitioner, as far his property is concerned in S.No.920/1B1A2, the same is in peaceful possession and his enjoyment and because of a joint patta all the disputes have arisen and therefore, he has applied for surveying of the land with respect to his land comprising an extent of 1344 sq.ft and to obtain a separate patta in his name.

10.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

11.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

12.In view of the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the Authorities to consider the petitioner appeal dated 22.04.2021 and pass appropriate orders subject to the production of all the relevant documents before the Authorities after issuing notice to all the necessary parties within a period of 12 weeks from the date of receipt of a copy of this order.

13.It is open to the petitioner to seek the Police Assistance if there is resistance in the area if Law and Order situation arises.

14.With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

pam



To

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O/o.The Revenue Divisional Officer,
Dharmapuri.

2.The Tashildhar,
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Palacode.

3.The Town Surveyor,
Palacode Taluk,
Palacode.

4.The Village Administrative Officer,
Seriyaanaalli Village,
Palacode Taluk,
Dharmapuri.

+1cc to the Government Pleader SR.No.47496

W.P.No.19422 of 2021

NRL (CO)
RVM(10/12/2021)