



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

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CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.20797 of 2021

R. Kuppan S/o.Rajagopal,

... Petitioner

-Vs-

1.The District Collector,
Collectorate,
Tiruvannamalai, Tiruvannamalai District.

2. The Revenue Divisional officer,
Tiruvannamalai, Tiruvannamalai District.

3.The Tahsildhar,
Taluk Office,
Kalasapakkam taluk,
Tiruvannamalai District.

4. The Taluk Surveyor,
Taluk office,
Kalasapakkam taluk,
Tiruvannamalai District.

5.The Village Administrative officer,
Melchozankuppam Village,
Kalasapakkam taluk,
Tiruvannamalai District.

... 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 and 3rd Respondent to measure the property of the petitioner herein situated in S.No.24/3A to an extent of 2.29 acres, in Melchozankuppam Village account, Kalasapakkam Taluk, Tiruvannamalai District and pass orders accordingly.



For Petitioner :: Mr.A.Gouthaman

For Respondents :: Mr.Yogesh Kannadasan
(Government Advocate)

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ORDER

The relief sought for in this writ petition is for a direction to the 2nd and 3rd Respondent to measure the property of the petitioner herein situated in S.No.24/3A to an extent of 2.29 acres, in Melchozankuppam Village account, Kalasapakkam Taluk, Tiruvannamalai District and pass orders accordingly.

2. The learned counsel for the petitioner would submit that the petitioner is permanently residing in the above said address. The property situated in S.No.24/3 in Melchorankuppam Village. Polur taluk, Tiruvannamalai District is originally belonged to the petitioner's grand father. The total extent of the property situated in S.No.24/1 is 4.57 Acres. In the above said total extent of the land, the petitioner's grand father namely, Ramasami gounder had purchased by way of registered sale deed dated 12-06-1928 to an extent of 2.28 1/2 cents. From the date of purchase, the petitioner's grand father was in peaceful possession and enjoyment of the above said property. Subsequent to the death of the petitioner's grandfather, the petitioner's father was in peaceful possession and enjoyment of the property. After the demise of the petitioner's father, the petitioner is in peaceful possession and enjoyment of the property. The survey had been conducted by the peoples living near to the petitioner's property, wherein it found that the property which was in the petitioner's possession, the patta stood in the name of 3rd parties to an extent of 41 1/2 cent.

3. It has been further submitted that while granting patta by the respondent under UDR scheme, the Revenue Authorities had wrongly stated that the extent of property in S.No.24/3A, as 1.87 cents. Even though the patta had been granted by the 2nd respondent in favour of the petitioner to an extent of 1.87 cents, the petitioner is in possession of the entire extent of 2.28 1/2 cents as per the registered sale deed purchased by the petitioner's grandfather. Since the petitioner is an illiterate, he is not in position to find out the mistake committed by the revenue department by issuing patta to a smaller



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extent of land than Property which was in the petitioner's possession based upon the sale deed and possession. After coming to know about the mistake committed by the revenue authorities, the petitioner's wife had sent the communication to the respondent dated 27-08-2012, explaining the wrong committed by the respondents and requested to survey the lands Situated in S.No.24/3A and to grant patta in the petitioner's name to the total extent of the property purchased by predecessors of the petitioner. After receiving communication, the respondent had passed order on 04-01-2016 rejecting the application filed by the petitioner's wife, stating that the patta in S. No.24/3A stood in the name of 3rd parties even prior to UDR and based upon the patta, some third parties were in possession and enjoyment of the property. Aggrieved over the said order of 3rd respondent, the petitioner herein has filed W.P.No 19305 of 2017 before this Court. This Court directed the petitioner to prefer appeal before the 2nd Respondent. As per order of this Court, the petitioner has preferred an appeal before the 2nd Respondent. The 2nd Respondent allowed the appeal on 22-02-2018 and set aside the order passed by the 3rd respondent dated 04-01-2016. Further, the 2nd respondent has directed 3rd respondent to change the revenue records as per his order. In view of the order of 2nd respondent, the 3rd respondent had passed an order dated 20-04-2018, subdividing S.No.24/3 as S.No.24/3A to an extent of 2.29 Acres belonged to the petitioner herein in Patta No.320 and S.No.24/3B to an extent of 2.28 Acres belonged to one Muthumanickam in Patta No.620.

4. The learned counsel for the petitioner further submitted that after subdivision of the property, the petitioner has paid amount for measuring the land situated in S.No.24/3A to an extent of 2.29 Acres, on 26-06-2019. No steps are taken to measure the property belonged to the petitioner herein. At the instigation of 3rd and 4th respondent, once again the petitioner has paid amount on 08-09-2021 for measuring his property. Thereafter also no steps were taken to survey the land. Hence, the petitioner has given a representation dated 14-09-2021 to measure the land. Though the respondents have received his representation, they have not taken any steps to measure the land. In this situation, the petitioner is left with no other option, except to approach this Court, by invoking its jurisdiction under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the 2nd and 3rd Respondent



to measure the property situated in S.No.24/3A to an extent of 2.29 acres, in Melchozankuppam Village account, Kalasapakkam Taluk, Tiruvannamalai District.

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5. The learned Government Advocate for the respondent would submit that the respondents may be directed to measure the property which is said to be in possession and enjoyment of the petitioner after verifying the records relating to the said property.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

7. Having considered the facts and circumstances of the case and submissions made by the learned counsel on either side, this Court without going into the merits of the case, directs the respondents to measure the property situated in S.No.24/3A to an extent of 2.29 Acres in in Melchozankuppam Village account, Kalasapakkam Taluk, Tiruvannamalai District within a period of four months from the date of receipt of copy of this order.

8. With the aforesaid directions, the Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The District Collector,
Collectorate,
Tiruvannamalai, Tiruvannamalai District.
2. The Revenue Divisional officer,
Tiruvannamalai, Tiruvannamalai District.



3.The Tahsildhar,
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Tiruvannamalai District.

+1cc to Mr.J.Vetrivel, Advocate, S.R.No.49990

+1cc to the Government Pleader, S.R.No.50870

W.P. No.20797 of 2021

SR-II(CO)

SB(01/11/2021)