



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.21812 OF 2021

(THROUGH VIDEO CONFERENCE)

P.Govindasamy

.. Petitioner

Versus

1. The District Collector,  
Dharmapuri District,  
Dharmapuri.
2. The Tahsildar,  
Palacode Taluk,  
Palacode,  
Dharmapuri District.
3. The Head Surveyor,  
Palacode Taluk,  
Palacode,  
Dharmapuri District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd and 3rd respondent authorities to consider the petitioner's application/ representation dated 01.04.2021 and carry out survey and grant patta in favour of the petitioner for the land measuring 0.71 cents comprised in S.No.20/1, Ammanimallapuram Village, Kujjarahalli revenue Village, Palacode Taluk, Dharmapuri District within a time to be stipulated by this Court.



For Petitioner : Mr.Ramesh Raja

For Respondents : Mr.Yogesh Kannadasan,  
Government Advocate

WEB COPY

## O R D E R

This writ petition has been filed seeking for a direction to the 2nd and 3rd respondents Authorities to consider the petitioner's application/ representation dated 01.04.2021 and to carry out survey and grand patta in favour of the petitioner for the land measuring 0.71 cents comprised in S.No.20/1, Ammanimallapuram Village, Kujjarahalli Revenue Village, Palacode Taluk, Dharmapuri District within a time frame to be stipulated by this Court.

2. The petitioner is a permanent resident of Ammanimallapuram Village and in the year 1984, the petitioner had purchased the land measuring an extent of 0.71 cents out of 2.84 cents comprised in Survey No.20/1 Ammanimallapuram Village, Kujjarahalli Revenue Village, Palacode Taluk, Dharmapuri District from one Charavarthy by way of sale deed dated 04.02.1984 and registered the same as document No.154 of 1984. From the date of purchase of the property, the petitioner was in absolute possession and enjoyment of the said property.

3. In the same survey number bearing S.No.20/1, other than the land purchased measuring an extent of 0.71 cents, the petitioner is also holding the land measuring an extent of 0.17 cents and has been cultivating the same for the past several years. The petitioner submitted that he applied for Possession Certificate to the Village Administrative Officer for the aforementioned land and the Village Administrative Officer has also considered the request made by the petitioner and issued the Possession Certificate, dated 10.12.2020 for the land measuring an extent of 0.88 cents comprised in S.No.20/1, Ammanimallapuram Village, Kujjarahalli Revenue Village, Palacode Taluk, Dharmapuri District. As such, the petitioner is in possession and enjoyment of land measuring an extent of 0.88 cents comprised in S.No.20/1, Ammanimallapuram Village, Kujjarahalli Revenue Village, Palacode Taluk, Dharmapuri District and the petitioner is carrying out cultivation in the said land measuring 0.88 cents.



WEB COPY

4. It is the further case of the petitioner that the petitioner has only purchased 0.71 cents and is claiming adverse possession of 0.17 cents. Therefore, the learned counsel for the petitioner submitted that he wanted patta to be issued for the above said lands and he approached the Authorities, namely the second respondent, who has not passed any order in his application. Again the petitioner submitted another application on 27.03.2021 through online mode seeking for the same relief. However, the same has also been rejected by the second respondent vide receipt No.2021/0103/05/137561 and the petitioner submitted his application through registered post on 01.04.2021 enclosing all the documents including the Possession Certificate issued by the Village Administrative Officer and online receipt rejecting the petitioner's application requesting the second respondent to survey the land, fix the boundaries and issue patta in favour of the petitioner for the said land measuring 0.71 cents.

5. The learned counsel for the petitioner interrupted this Court while dictating the order and retracted the earlier submission made in the affidavit filed in support of the writ petition that the Possession Certificate has been issued by the Village Administrative Officer and submitted that the Village Administrative Officer has only recommended to the second respondent to consider the petitioner's request for the issuance of Possession Certificate and also confessed that the above facts submitted in the affidavit were mistake of fact.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

7. Since the representation of the petitioner dated 01.04.2021 has not been considered, the petitioner seeks to survey the land, to fix the boundaries and to issue patta in favour of the petitioner. This Court is of the considered view that the petitioner has got only valid title for 0.71 cents in S.No.20/1 and only to that extent, the Authorities can survey and grant patta and for the remaining 0.17 cents, proper procedures have to be adopted by the Authorities for granting patta to any person, who is claiming adverse possession. Hence, this Court is inclined to direct the respondents 2 to 3 to survey the land and then issue patta only for the land comprised in 0.71 cents and not for 0.88 cents and to consider the



representation made by the petitioner dated 01.04.2021 as expeditiously as possible on merits and in accordance with law. Accordingly, the Writ Petition stands Disposed of. No costs.

WEB COPY

Sd/-  
Assistant Registrar(CJ Conf)

// True Copy //

Sub Assistant Registrar

sts

To:

1. The District Collector,  
Dharmapuri District,  
Dharmapuri.
2. The Tahsildar,  
Palacode Taluk,  
Palacode,  
Dharmapuri District.
3. The Head Surveyor,  
Palacode Taluk,  
Palacode,  
Dharmapuri District.

W.P.No.21812 of 2021

AK(CO)  
RLP(11/11/2021)