



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

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THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.22131 of 2019

G. A. Arulraj

... Petitioner

-Vs-

1.The Tahsildar,
Uthiramerur,
Uthiraerur Taluk,
Kancheepuram District.

2. The Taluk Surveyor,
Uthiraerur Taluk,
Kancheepuram District.

3. The Village Administrative Officer,
Village Administrative Office,
Ravathanallur Village,
Ravathanallur Kandigai,
Uthiramerur Taluk,
Kancheepuram 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 1st respondent to take action to measure and show the boundaries of the land measuring 0.062.0 Ares (1 Acre and 53 cents) in Old S.No.76(Part) and New S.No.428/3 of Ravathanallur Village, (Ravathanallur Kandigai) Uthiramerur Taluk, Kancheepuram District based on the petitioner's Natham Patta No.86 by considering the petitioner's representation dated 17.06.2019 and issue New Sub-division Patta and pass appropriate orders accordingly.

For Petitioner :: Mr. A. Ilaya Perumal

For Respondents :: Mr. V. Veluchamy
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the the 1st respondent to take action to measure and show the boundaries of the land measuring 0.062.0 Ares (1



Acre and 53 cents) in Old S.No.76(Part) and New S.No.428/3 of Ravathanallur Village, (Ravathanallur Kandigai) Uthiramerur Taluk, Kancheepuram District based on the petitioner's Natham Patta No.86 by considering the petitioner's representation dated 17.06.2019 and issue New Sub-division Patta and pass appropriate orders accordingly.

2. Heard Mr.A. Ilaya Perumal, the learned counsel for the petitioner and Mr. V. Veluchamy, the learned Government Advocate for the respondents as well as perused the material available on records. As per the direction of this Court by order dated 22.10.2021, Mr.Thandava Moorthy, the Tahsildar, Uthiramerur Taluk Office, J. Moorthy, Village Administrative Officer, and V.Arul, Sub-Inspector of Survey were present before this Court.

3. On a perusal of the status report filed by the 1st respondent herein, it is stated as follows:

"The land in S.No.75/6 stands registered in Patta No.821 in favour of the petitioner's grand father and the aforesaid land was already measured and surveyed during the year 2019 itself. As regards the land in S.No.76 with an extent of 5.69.50 hectare, it stood classified as Grama Natham Government Poramboke as per the updating registry scheme "A" register and during the subsequent Natham settlement scheme it was sub-divided as S.No.425, 426, 427, 428, 429, 430, 431, 432, 433, and 434 and Pattas have been granted to other persons. It is submitted that in the land in S.No.428 claimed to be owned by the petitioner, patta has been granted to him for an extent of 62 Sq.mts as per sub-divided S.No.428/3 and this land also measured and surveyed during the year 2019.

It is also submitted that according to the Document No.1926 through which the petitioner made his claim, it has been recited therein that in the land in S.No.76, the land admeasuring East to West 25 feet, North to South 152 feet along with seven coconut trees, and neem trees belonged to his grand father. However, the petitioner is claiming the land adopting the measurement as East to West 69 feet, North to South 152 feet, and to grant patta for 26 cents by correcting the entries in the updating registry scheme "A" register. It is also submitted that he is also making further claim over the aforesaid land, with a measurement of East to West 164 feet, North to South 198 feet. It is thus submitted that the claim of the



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petitioner is quite contrary to the extent purchased by his grand father. It is further submitted that in the lands upon which the petitioner claiming rights, 9 (nine) other persons are residing in terraced house and on enquiry, they stated that they are residing in the said houses for more than 50 years and the land being inherited by them from their forefather.

It is humbly submitted that the measurement and survey of the subject lands revealed that the petitioner is neither in possession nor in enjoyment of the same and the measurement shown in the document relied upon by him is not tallying with the measurement claimed by him. It is further more submitted that the subject lands are now in enjoyment and possession of various other 9 (nine) persons consequent to the Patta granted to them during the Natham Settlement Scheme and the present Pattadars are raising objection against the request of the petitioner."

4. Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsel on either side as well as status report filed by the 1st respondent herein, this Court is not inclined to interfere with the report filed by the 1st respondent herein since the petitioner herein is not in possession and enjoyment of the said property and nine others are in possession and enjoyment of the same. Under such circumstances, the petitioner can seek relief by filing of Civil Suit before the competent Court claiming the title over the subject property.

5. In the result, the Writ Petition is dismissed regarding granting liberty to the petitioner herein to proceed further in the manner known to law, it is left open to the petitioner. Consequently connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Lbm



To:

1. The Tahsildar,
Uthiramerur,
Uthiraerur Taluk,
Kancheepuram District.

2. The Taluk Surveyor,
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Kancheepuram District.

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Kancheepuram District.

+1cc to Mr.A.Ilaya Perumal, Advocate SR.No.54737

W.P. No.22131 of 2019

VBM(CO)
GN(29/12/2021)