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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.23340 of 2021

Renganatha Goundar

... Petitioner

Vs.

1. The Tahsildar,
Vanoor Taluk,
Villupuram District

2. The Land Surveyor,
Vanoor

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to survey the petitioner's land in S.No.318/5 with an total extent of 0.00.40 square meter, situated at V.Parangini village, Vanoor Taluk, Villupuram District based on the petitioner's application dated 22.06.2021.

For Petitioner : Mr.K.Anbuselvan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The present Writ Petition is filed for issuance of a Writ of Mandamus directing the 1st respondent to measure the petitioner's land in S.No.318/5 with an total extent of 0.00.40 square meter, situated at V.Parangini village, Vanoor Taluk, Villupuram District based on the petitioner's application dated 22.06.2021.

3. The brief facts of the case is that the petitioner is the absolute owner and in possession of the land in Survey No.318/5 with an total extent of 0.00.40 square meter situated at V.Parangini Village, Vanoor Taluk, Villupuram District. All of



a sudden, the said property has been wrongly changed to one Mrs. Bhuvaneshwari Gounder, in consequence, a representation dated 03.02.2020 was given by the petitioner to Revenue Divisional Officer, Villupuram to rectify the mistake that has crept in the revenue records. On 05.02.2020, the Revenue Divisional Officer, Villupuram directed the 1st respondent to take steps based on petitioner's complaint dated 03.02.2020 and the 1st respondent conducted enquiry with the petitioner as well as said Bhuvaneshwari and passed an order on 12.11.2020. Subsequently, 1st respondent submitted an enquiry report before the Revenue Divisional Officer, Villupuram and the said Revenue Divisional Officer passed an order in the enquiry report to rectify the mistake and include the petitioner's name in the Patta in Survey No.318/5 to an extent of 0.00.40 square meter. Thereafter, the petitioner had submitted an application on 22.06.2021 to survey the land in question and also paid the survey fee amount. Further, the petitioner placed reliance upon the order passed by the Hon'ble Madurai Bench of this Court, on 05.10.2020 in W.P.(MD) No.13465 of 2020 and W.P.(MD) No.14306 of 2020, wherein certain guidelines have been issued for surveying the land and issuance of patta. Since no steps have been taken on the application submitted by the petitioner, the petitioner has come forward with this petition.

4. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's application dated 22.06.2021 and dispose of the same within a stipulated time that may be framed by this Court.

5. Mr. Yogesh Kannadasan, learned Government Advocate appearing for the respondents, on instructions from the officer of the respondents/Department submitted that a direction may be issued to the 1st respondent to consider the prayer of the petitioner and twelve weeks time may also be granted to the 1st respondent to consider the same.

6. Having regard to the limited scope of the prayer that is now sought for in this Writ Petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's application dated 22.06.2021, in view of the proceedings dated 12.11.2020, [wherein a direction was issued rectify the mistake by including the name of petitioner as well as the father of the petitioner jointly in the chitta] and measure the subject property, after issuing notice and affording opportunity of personal hearing to all the parties concerned and pass



appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Tahsildar,
Vanoor Taluk,
Villupuram District
2. The Land Surveyor,
Vanoor

+1cc to Mr.K.Anbuselvan, Advocate, S.R.No.55616
+1cc to the Government Pleader, S.R.No.56617

W.P.No.23340 of 2021

AD(CO)
CT 03/12/2021