



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.32566 of 2019

A.Subramaniam

...Petitioner

Vs

The Tahsildar
Office of the Tahsildar
Palladam Taluk
Tiruppur District-641 664

...Respondent

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 22.11.2017 to survey his land in Survey No.4/2C, measuring an extent of 0.14.0 hectare (0.34 cents) at Panikkampattu Village, Palladam Taluk, Tiruppur District by its metes and bounds.

For Petitioner :Mr.K.Madhan

For Respondents :Mr. Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 22.11.2017 to survey his land in Survey No.4/2C, measuring an extent of 0.14.0 hectare (0.34 cents) at Panikkampattu Village, Palladam Taluk, Tiruppur District by its metes and bounds.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3. The case of the petitioner is that the property situated in Survey No.4/2C, measuring an extent of 0.14.0 hectare (.034 cents) at Panikkampattu Village, Palladam Taluk, Tiruppur District, was purchased by the petitioner from one



Karunaiammal, W/o.Nachimuthu Goundar on 12.11.2013 by way of registered sale deed, vide document No.14500 of 2013 on the file of the Sub Registrar Office, Palladam, Tiruppur District, and from the date of purchase, he was in absolute possession and enjoyment of the property without any interruption. Though the property was sold by the vendor namely, Karunaiammal, the patta for the said land subjected in the sale deeds reflects in patta no.31 stands in the name of vendor as joint patta along with other survey numbers to the extent of nearly 5 hectares 12 ares. So, the petitioner was unable to split up the said joint patta and get transfer the patta in his name in respect of the survey no.4/2C to the extent of 0.14.0 hectare. Since the petitioner has been in possession and enjoyment, he has not taken any effective steps to get the transfer of patta. In the meanwhile, as a separate patta in respect of the above said survey number was very much essential for his personal requirement, the petitioner approached the concerned authority to issue patta. Then, the patta no.850 was issued in his favour to the said extent as specified in the sale deed. Since there was an acquisition of lands in Panikkampatti Village by the highways department for extension of the road, some dispute arose between villagers regarding their exact possession of their property. Though the petitioner was not having any such dispute over his property and there is no acquisition over his survey numbers and nearby survey numbers, he was in need to survey his property by the concerned government authority to fix the proper metes and bounds in accordance with law. On 22.11.2017, the petitioner gave a representation to inspect his property and survey the metes and bounds as found in the revenue records maintained by the concerned department. The Circle Surveyor, Karadivadi, Palladam Taluk, Tiruppur District inspected his property and gave a report on 06.03.2018 stating that the persons who are in possession of the petitioner's adjacent lands in Survey Nos.1/1, 2/1, 3/2, 5/1 measuring a total extent of 7.50 hectares, namely Nachimuthu Gounder and Subramaniyam have given objection to survey the nearby lands of their adjacent lands, since they had filed a civil suit No.147 of 2014 against nine persons for permanent injunction not to disturb and interfere with their peaceful possession and enjoyment. The petitioner has not been added as a party to the suit and the suit schedule property is not concerned with their survey numbers. However, the respondent has rejected the petitioner's representation citing some reasons. Thereafter, several representations were given, but so far, no action has been taken and hence, the petitioner has come forward with the present writ petition.

4. Considering the submissions made on either side, this Court is of the view that as there is no dispute that the property situated in Survey No.4/2C measuring an extent of



0.14.0 hectare (0.34 cents), Panikkampattu Village, Palladam Taluk, Tiruppur District, is owned by the petitioner and there cannot be any objection made by the parties to measure the petitioner's land which is not covered either in the suit or acquisition proceedings, this Court directs the respondent to measure the above said petitioner's land and fix the boundary line, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Tahsildar,
Office of the Tahsildar,
Palladam Taluk,
Tiruppur District-641 664.

+1cc to Mr.K.Madhan, Advocate Sr.51376
+1cc to the Government Pleader Sr.52030

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srg 02/11/2021