



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD)No.9442 of 2021
and W.M.P. (MD) No.7164/2021
(Through Video Conferencing)

A.Adaikkan

... Petitioner

Vs.

1.The Tahsildar
Office of the Tahsildar
Marungapuri Taluk
Trichy District

2.The Firca Surveyor,
Marungapuri & Taluk
Trichy District

3.Singaram

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to survey the land in S.F.No.324/5 measuring about 1.18.00 hectares in Joint Patta No.1560 situate in Kalingapatti East Revenue Village, Marungapuri Taluk, Trichy District and erect the four boundary stones in the petitioner's land within stipulated time as may be fixed by this Court.

For Petitioner :Mr.R.Sivalingam

For Respondents :Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus directing the respondents 1 and 2 to survey the land in S.F.No.324/5 measuring about 1.18.00 hectares in Joint Patta No.1560 situate in Kalingapatti East Revenue Village, Marungapuri Taluk, Trichy District.

2.The petitioner is the joint pattadhar in respect of the property, which he requests for survey. From the patta produced before this Court by the petitioner, the petitioner and 16 others are shown as joint pattadhars for an extent of 1.18.00 hectares in



3.The petitioner, though admitted that he is only a joint pattadhar, has filed an application before the Tahsildar to survey the land and to fix the boundaries for his land. The request of the petitioner is to fix the property of petitioner. The petitioner has not produced any document of title of civil Court's decree to show the possession or enjoyment over a specific property out of the total extent. The petitioner has not produced any genealogy or the details as to how he is entitled to any portion of the property in S.No.324/5. Unless the entire property in S.No.324/5 is subdivided, after issuing notice to the joint pattadhars, the petitioner cannot claim right to a specific portion in the said survey field. The petitioner has come before this Court under the pretext that the third respondents is interfering with the petitioner's possession and enjoyment of the property. Unless the petitioner can lawfully lay a claim in respect of the specific portion of the property in survey field, his contention cannot be accepted. In case, the petitioner has got grievance against any individuals, who may or may not have a lawful claim, he has to establish his title and seek appropriate relief before the civil Court after impleading necessary parties. Except the joint patta, the petitioner has not produced anything before this Court to establish a prima facie title in favour of the petitioner. Though the patta can be considered as document of title, in the absence of any contrary evidence, a claim based on the joint patta is unacceptable. The petitioner may approach the civil Court to establish his title and possession, if he has got grievance or apprehension at the instance of private party.

4. This Court finds no merit in this writ petition. Accordingly, this writ petition is dismissed. However liberty is granted to the petitioner to approach the civil Court to seek appropriate remedy. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



W.P.(MD)No.9442 of 2021
Adaikkan v. The Tahsildar

To

1.The Tahsildar
Office of the Tahsildar
Marungapuri Taluk
Trichy District

W.P. (MD) No. 9442 of 2021

12.05.2021

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