



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P. (MD) .No.11837 of 2021

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K.Karuthapillai

...Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Kalayarkovil Taluk, Sivagangai District. ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to rectify the error in the FMB plan in respect of the lands in S.No.137/12 and 137/13, Vaaniyankudi Group Village, Kalayarkovil Taluk, Sivagangai District, by considering the representation given by the petitioner, dated 07.12.2020 and 30.04.2021.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Suresh Kumar
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representations made by the petitioner, on 07.12.2020 and 30.04.2021, wherein, the petitioner has requested for the rectification of the error in the FMB plan with respect to the subject properties.

2.The case of the petitioner is that the subject property in S.Nos.137/12 & 137/13 measuring an extent of 1.13 acres was assigned by the Thasildar, Sivagangai, through proceedings, dated 30.09.1970, in favour of the petitioner and one Subbu Ambalam. The further case of the petitioner is that their names were also entered in the revenue records. Subsequently, the said Subbu Ambalam sold his property in favour of the petitioner by virtue of a registered sale deed, dated 14.07.1981. Thereby, the petitioner became the absolute owner of the entire property.

3.When the petitioner verified the revenue records, he found that in the FMB sketch both the lands in survey numbers 137/12 & 137/13 were classified as a pond. The petitioner, therefore, made a



representation to the Assistant Director of Survey. The property was inspected along with revenue officials and the Assistant Director of Survey through proceedings, dated 26.03.2021, recommended to the Tahsildar to make necessary correction in the FMB sketch and rectify the mistake.

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4.The grievance of the petitioner is that there was no follow up action and the representation made by the petitioner, on 30.04.2021, also did not evoke any response. Left with no other alternative, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents.

6.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to act upon the representation made by the petitioner, on 07.12.2020 and deal with the same in line with the proceedings of the Assistant Director of Survey, dated 26.03.2021 and carry out necessary correction in the FMB sketch, within a period of six weeks from the date of receipt of a copy of this order. The second respondent shall verify all the relevant records along with the proceedings of the Assistant Director of Survey while taking the decision.

7.The petitioner is directed to make a fresh representation to the second respondent along with all relevant documents and also a copy of this order.

8.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

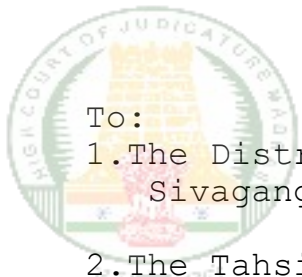
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/ /2021

Sub Assistant Registrar(CS)

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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.



To:

1.The District Collector,
Sivagangai District.

2.The Tahsildar,
Kalayarkovil Taluk, Sivagangai District.

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+1 CC to M/s.SPL GP (SR-22942[F] dated 16/07/2021)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-23009[F] dated
16/07/2021)

**W.P. (MD) .No.11837 of 2021
15.07.2021**

RD(23.07.2021) 3P 5C