



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

CORAM

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17523 of 2021

C.Sam Devadasan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

3.The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

4.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

5.The Taluk Surveyor,
Thoothukudi Taluk,
Thoothukudi District.

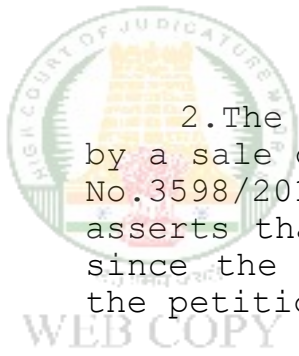
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fifth respondent to survey the petitioner property comprised in old S.No.26/3B, New S.No.26/3B1A to an extent of 47 cents situated at Korampallam Village, Geekay Nagar, Thoothukudi District and to mark the boundaries by considering the petitioner's representations dated 19.04.2021 and 23.08.2021.

For Petitioner	: Mr.B.Siddeswaran
For Respondents	: Mr.P.Subbaraj
	Counsel for State

ORDER

The petitioner seeks a survey of 47 cents of land at old S.No.26/3B, New S.No.26/3B1A at Korampallam Village, Geekay Nagar, Thoothukudi District.



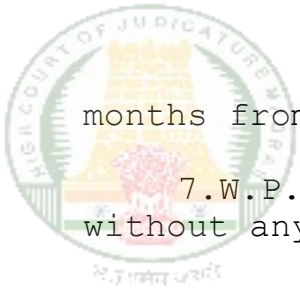
2.The petitioner claims title to the above mentioned property by a sale deed dated 29.10.2012, which was registered under Document No.3598/2012 on the file of the SRO, Thoothukudi. The petitioner asserts that he is in possession and enjoyment of the said property since the date of purchase. Patta No.2073 is cited in support of the petitioner's title and possession of the relevant property.

3.According to the petitioner, one P.Manikandan, Murugesan and Mani trespassed into the property and attempted to put up a construction thereon. Therefore, a complaint was lodged before the police. Eventually, proceedings were instituted under Section 145 of the Criminal Procedure Code and an order dated 22.10.2020 was passed by directing the rival claimants not to disturb the petitioner's possession of 47 cents in the above mentioned property. After sending a representation dated 19.04.2021 to the respondents seeking survey of the property, the present writ petition is filed.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that there are rival claims in respect of the property and multiple joint pattathars. Therefore, all such persons should be put on notice before a decision is taken with regard to the survey of the 47 cents as requested by the petitioner.

5.The documents on record include the sale deed dated 29.10.2012 in terms of which the petitioner claims title. In addition, Patta No.2073 is on record. Such patta appears to have been issued to about 28 persons, including the petitioner herein. The patta is in respect of S.No.26/3B1A1. The total extent thereof appears to be 0.74.24 hectares. While the petitioner relies upon the proceedings dated 22.10.2020 of the Sub Divisional Magistrate, the order of the Sub Divisional Magistrate merely records that the petitioner is in possession of 47 cents. In fact, the said order calls upon the parties to retain such possession until further orders of a court of law. Therefore, the said order cannot be relied upon as evidence of the petitioner's title to the property. Besides, in view of the fact that the petitioner seeks a survey of 47 cents in a larger extent of 0.74.24 hectares, unless a sub division of the larger extent is undertaken, it will not possible to mark the boundaries of the petitioner's property. For such purpose, notice should be issued to all the joint pattathars. In addition, in view of the dispute between the petitioner, on the one hand, and Manikandan, Murugesan and Mani, on the other, notice should be issued to the said persons.

6.Subject to the above observations, the fourth respondent is directed to consider the petitioner's representations dated 19.04.2021 and 23.08.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, the joint pattathars under Patta No.2073, and Manikandan, Murugesan and Mani. <https://hcservices.ecourts.gov.in/hcservices/> order shall be issued within a period of four (4)



months from the date of receipt of a copy of this order.

7.W.P.(MD).No.17523 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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,
Thoothukudi District,
Thoothukudi
- 2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.
- 4.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.
- 5.The Taluk Surveyor,
Thoothukudi Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-30718[F] dated 30/09/2021)

+1 CC to M/s.B.SIDDESWARAN, Advocate (SR-30689[F] dated 29/09/2021)

W.P(MD) .No.17523 of 2021
29.09.2021

RK (07.10.2021) 3P 8C