



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.18269 of 2021

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Mr.Andisamy @ Andi

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Palani Revenue, Palani,
Dindigul District.

2. The Tahsildar,
Vedasendur Taluk,
Dindigul District.

3. The Firka Surveyor,
Ayyalur Circle,
Vedasendur Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to resurvey the lands situated in Survey No.123 Paganatham Village, Vedasendur Taluk, Dindigul District and issue rectified patta under Patta Passbook Act based on petitioner's representation dated 27.07.2021 within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

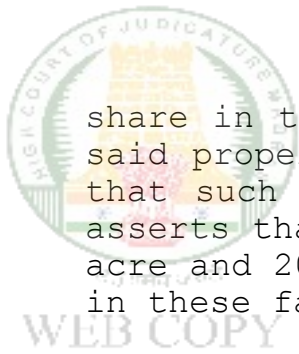
For Respondents : Mr.P.Subbaraj

Counsel for the State

O R D E R

The petitioner seeks a direction for the resurvey of the land bearing Survey No.123, Paganatham Village, Vedasendur Taluk, Dindigul District and for the issuance of rectified patta on such basis.

2. The petitioner states that his grandfather, Andi Ambalam, purchased properties bearing Survey No.121/3 of an extent of 2 acres and 34 cents, Survey No.123 of an extent of 4 acres and 1 cent and Survey No.163/2 of an extent of 33 cents. He had three children and the petitioner is the only son of Murugan Ambalam who was one of the sons of Andi Ambalam. On 13.06.1950, it is stated that the other sons of Andi Ambalam executed a registered sale deed in favour of one Ramasamy Chettiar. However, the petitioner's father retained his



share in the property. Upon his death, the petitioner inherited the said property. On verification of the patta, the petitioner noticed that such patta is for an extent of only 27 cents. The petitioner asserts that the total remaining unsold extent of Survey No.123 is 1 acre and 20 cents and not 27 cents. The request for resurvey is made in these facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's representation may be considered and disposed of on merits after providing a reasonable opportunity to the petitioner and the adjoining land owners.

4. The petitioner has enclosed a copy of the sale deed dated 13.06.1950. The said sale deed deals with the properties bearing Survey No.121/3, Survey No.123 and Survey No.136/2. As regards Survey No.123, which is relevant for the purpose of this petition, the extent is indicated as 4 acres and 41 cents. According to the petitioner, even after the sale of the shares of Vaiyan Ambalam and Arasan Ambalam, namely, his uncles, the share remaining should be 1 acre and 20 cents. In order to confirm the same, the petitioner states that a resurvey of the property is required.

5. Based on the documents submitted by the petitioner, the petitioner has made out a case for the consideration of his representation. However, all the owners of sub-divided portions in Survey No.123 should be put on notice before a decision is taken on the petitioner's application.

6. Subject to the above observations, without entering any findings on the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 27.07.2021 and dispose of the same by a reasoned order after putting the pattadars in respect of the various sub-divisions of Survey No.123 on notice. Such reasoned order shall be issued within a period of four months from the date of receipt of a copy of this order.

7. W.P(MD).No.18269 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Revenue Divisional Officer,
Palani Revenue, Palani,
Dindigul District.

2. The Tahsildar,
Vedasendur Taluk,
Dindigul District.

3. The Firka Surveyor,
Ayyalur Circle,
Vedasendur Taluk,
Dindigul District.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-31908[F] dated
11/10/2021)

+1 CC to M/s.SPL.GP (SR-31939[F] dated 11/10/2021)

W.P. (MD)No.18269 of 2021

08.10.2021

MGJ(25.10.2021) 3P 6C