



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19221 of 2021

Selvarani

... Petitioner

Vs.

1.The District Collector,
Thanjavur, Thanjavur District.

2.The Assistant Director,
Land Survey and Records,
Gandhiji Road, Thanjavur,
Thanjavur District.

3.The Tahsildar,
Taluk Office, Pattukkottai,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to amend the field measurement book (F.M.B) in consonance with the joint patta No.1532 relating to survey No.405/4 measuring 0.16.5 hectares, Kalathur East Village, Pattukottai Taluk, Thanjavur District based on the petitioner's representation dated 26.08.2021.

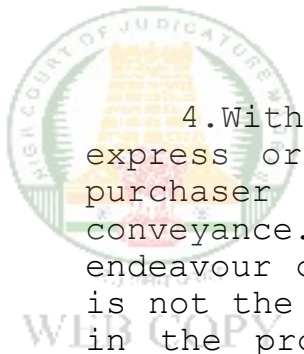
For Petitioner : Mr.R.P.Ramachanthiran
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks amendment of the field measurement book (FMB) to bring it in line with joint Patta No.1532 relating to the property bearing S.No.405/4 of an extent of 0.16.5 hectares at Kalathur East Village, Pattukottai Taluk, Thanjavur District.

2.The petitioner states that she purchased the above mentioned property under a sale deed dated 19.07.2002. Subsequently, under a registered sale deed dated 29.07.2008 she sold the property to one V.Arunachala Thevar. Subsequently, it is stated that the purchaser complained to her that the extent as per the FMB is less than the extent conveyed under the registered sale deed. Therefore, the vendor of the property has approached this Court so as to fulfill his obligations under the warranty under the sale deed.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents.



4.Without doubt, the vendor of a property extends either an express or, in any case, an implied warranty as to title to the purchaser unless expressly excluded under the relevant deed of conveyance. To that extent, the present petition is a *bona fide* endeavour on the part of the vendor. However, since the petitioner is not the current owner of the land, she does not have any interest in the property at present. Therefore, the relevant proceeding should be instituted by the present owner of the property although it would be a matter of understanding as between the vendor and purchaser as to who would bear the cost in relation thereto.

5.Subject to the above observations, W.P.(MD)No.19221 of 2021 is disposed of without any order as to costs by leaving it open to V.Arunachala Thevar to institute appropriate proceedings seeking the relief sought for in the present writ petition.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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,
Thanjavur, Thanjavur District.
- 2.The Assistant Director,
Land Survey and Records,
Gandhiji Road, Thanjavur,
Thanjavur District.
- 3.The Tahsildar,
Taluk Office, Pattukkottai,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-33359[F] dated 01/11/2021)

W.P (MD) .No.19221 of 2021
29.10.2021

AM(CO)

RS/JGB (16.11.2021) 2P 5C

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