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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.4836 & 4852 of 2022
and W.M.P.No.4970 of 2022

S.Velusamy ... Petitioner in W.P.No.4836 of 2022

1. Aruchamy
2. Kandasamy ... Petitioners in W.P.No.4852 of 2022

Vs.

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur District,
Tiruppur.
3. The Assistant Director,
Land Records Department.
Collectorate,
Tiruppur.
4. The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
5. The Tahsildar,
Udumalpet Taluk,
Tiruppur District.
6. The Deputy Inspector of Survey,
Udumalpet Taluk, Tiruppur District.
7. The Firka Surveyor,
Gudimangalam Firka,
Udumalpet Taluk,
Tiruppur District.

8. M.Krishnakumar
9. M.Nachammal ... Respondents in both W.P.'s



PRAYER in W.P.No.4836 of 2022: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue writ or an order or direction or more particularly a writ in the nature of Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry as to how the total extent of the lands belonging to the petitioner which was 4.92 Acres as per Patta cum Chitta dated 22.09.2021 reduced to 4.45 Acres of agricultural lands situated in S.F.Nos.578/B2C, 580/2B, 579/B2B, 580/2E, 576/2A2, 576/2B2, 580/2J, 576/2B1, 579/B2D, 580/2G, 580/2I, 578/B2A, 578/B3 and 576/1A at Gudimangalam Village, Udumalpet Taluk, Tiruppur District as found in the Patta cum Chitta obtained on 14.12.2021 was done without giving notice as contemplated under Section 10(2) of the Tamil Nadu Survey and Boundaries Act, 1923 at every stage by the Surveyor and the 5th respondent and consequently direct the respondents to re-survey after giving notice to all the parties including the 8th and 9th respondents by issuing notices at all stages and video-graphing the entire process in accordance with the Judgment of the Madurai Bench of this Hon'ble Court in W.P.(MD).No.13465 of 2020 dated 05.10.2020 based on the representation of the petitioner dated 13.01.2022.

PRAYER in W.P.No.4852 of 2022: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue writ or an order or direction or more particularly a writ in the nature of Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry as to how the total extent of the lands belonging to the petitioners which was 12.58 Acres as per Patta cum Chitta dated 26.10.2021 reduced to 10.40 Acres of agricultural lands situated in S.F.Nos.578/B1, 576, 577, 579/B1 and 580 at Gudimangalam Village, Udumalpet Taluk, Tiruppur District as found in the Patta cum Chitta obtained on 21.12.2021 was done without giving notice as contemplated under Section 10(2) of the Tamil Nadu Survey and Boundaries Act, 1923 at every stage by the Surveyor and the 5th respondent and consequently direct the respondents to re-survey after giving notice to all the parties including the 8th and 9th respondents by issuing notices at all stages and video-graphing the entire process in accordance with the Judgment of the Madurai Bench of this Hon'ble Court in W.P.(MD).No.13465 of 2020 dated 05.10.2020 based on the representation of the petitioner dated 13.01.2022.

For Petitioners : Mr.M.Purushothaman
in both W.P.'s

For Respondents : Mr.T.Chezhiyan,
in both W.P.'s
Additional Government Pleader



COMMON ORDER

Writ Petition in W.P.No.4836 of 2022 has been filed to direct the respondents 1 to 3 to conduct an enquiry as to how the total extent of the lands belonging to the petitioner which was 4.92 Acres as per Patta cum Chitta dated 22.09.2021 reduced to 4.45 Acres of agricultural lands situated in S.F.Nos.578/B2C, 580/2B, 579/B2B, 580/2E, 576/2A2, 576/2B2, 580/2J, 576/2B1, 579/B2D, 580/2G, 580/2I, 578/B2A, 578/B3 and 576/1A at Gudimangalam Village, Udumalpet Taluk, Tiruppur District as found in the Patta cum Chitta obtained on 14.12.2021 was done without giving notice as contemplated under Section 10(2) of the Tamil Nadu Survey and Boundaries Act, 1923 at every stage by the Surveyor and the 5th respondent and consequently direct the respondents to re-survey after giving notice to all the parties including the 8th and 9th respondents by issuing notices at all stages and video-graphing the entire process in accordance with the Judgment of the Madurai Bench of this Hon'ble Court in W.P. (MD).No.13465 of 2020 dated 05.10.2020 based on the representation of the petitioner dated 13.01.2022.

2. Writ Petition in W.P.No.4852 of 2022 has been filed to direct the respondents 1 to 3 to conduct an enquiry as to how the total extent of the lands belonging to the petitioners which was 12.58 Acres as per Patta cum Chitta dated 26.10.2021 reduced to 10.40 Acres of agricultural lands situated in S.F.Nos.578/B1, 576, 577, 579/B1 and 580 at Gudimangalam Village, Udumalpet Taluk, Tiruppur District as found in the Patta cum Chitta obtained on 21.12.2021 was done without giving notice as contemplated under Section 10(2) of the Tamil Nadu Survey and Boundaries Act, 1923 at every stage by the Surveyor and the 5th respondent and consequently direct the respondents to re-survey after giving notice to all the parties including the 8th and 9th respondents by issuing notices at all stages and video-graphing the entire process in accordance with the Judgment of the Madurai Bench of this Hon'ble Court in W.P.(MD).No.13465 of 2020 dated 05.10.2020 based on the representation of the petitioner dated 13.01.2022.

3. Mr.T.Chezhiyan, learned Additional Government Pleader takes notice for the respondents 1 to 7.

4. Since no adverse order is being passed against the private respondents, notice to respondents 8 & 9 is dispensed with.

5. The case of the petitioners in both the writ petitions is that the petitioners are the owners of their respective subject property and on 26.10.2021, the petitioners approached the Village Administrative Officer, Gudimangalam Village to seek certificate for obtaining agricultural loan from the Gudimangalam Primary Agricultural Cooperative Society (PACB) for meeting seasonal agricultural activities. Thereby, in the



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certificates issued by the Village Administrative Officer as well as in the online Patta cum Chitta, the total extent of the land of the petitioner in W.P.No.4836 of 2022 was shown as 4.92 Acres and the same of the petitioner in W.P.No.4852 of 2022 was shown as 12.58 Acres. Subsequently, the petitioners in both writ petitions applied and got a fresh copy of Patta cum Chitta copy online from the website of the revenue department and the petitioner found that the extend of their lands were reduced in subsequent patta and mutations have been carried out based on new sub-divisions on 20.11.2021. Therefore, the petitioner in W.P.No.4836 of 2022 made a representation on 15.12.2021 and petitioner in W.P.No.4852 of 2022 made a representation on 21.12.2021 to the 5th respondent and the same were not considered, the petitioners made another representation on 13.01.2022 to the 3rd and 4th respondents. However, till date, no action has been taken by the respondents. Hence, the present petition has been filed seeking the aforesaid relief.

6. Though very many grounds have been raised, learned counsel for the petitioners in both W.P.'s submits that it would suffice if this Court issues a direction to the respondents 1 to 3 to consider the petitioners' representation dated 13.01.2022 to conduct an enquiry as to how the total extent of the petitioners' lands were reduced without giving notice to them and also direct the 5th respondent and consequently direct the respondents to re-survey the lands of the petitioners, after giving notice to all the parties and dispose of the same in accordance with law, within a particular time frame fixed by this Court.

7. The learned Additional Government Pleader appearing for the respondents has no objection to the said order being passed.

8. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the cases, directs the respondents 1 to 3 to consider the petitioners' representations dated 13.01.2022, and pass appropriate orders, after providing opportunity to the 8th and 9th respondents, on the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

9. Accordingly, these writ petitions are disposed of with the aforesaid direction. Consequently, connected miscellaneous petition in W.P.No.4852 of 2022 is also closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar



rgi/nhs

To

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1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur District,
Tiruppur.
3. The Assistant Director,
Land Records Department.
Collectorate,
Tiruppur.
4. The Revenue Divisional Officer,
Udumalpet,
Tiruppur District.
5. The Tahsildar,
Udumalpet Taluk,
Tiruppur District.
6. The Deputy Inspector of Survey,
Udumalpet Taluk, Tiruppur District.
7. The Firka Surveyor,
Gudimangalam Firka,
Udumalpet Taluk,
Tiruppur District.

+4cc to M/s.M.Purushothaman, Advocate, S.R.No.1852, 14565
+1cc to the Special Government Pleader, S.R.No.15558

W.P.Nos.4836 & 4852 of 2022
and W.M.P.No.4970 of 2022

SK(CO)
SB(25/03/2022)