



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WP.NO.9852 OF 2021
IN
WMP.NO.10483 OF 2021

K.Gurusamy

... Petitioner

Vs

1. The District Collector,
District Collector Office,
Kallakurichi Town and Taluk.
2. The District Revenue Officer,
District Collector Office,
Kallakurichi Town and Taluk.
3. The Sub Collector,
Revenue Divisional Office,
Kallakurichi Town and Taluk,
Kallakurichi District.
4. The Tahsildar,
Tahsildar Office,
Kallakurichi Town and Taluk,
Kallakurichi District.
5. The Taluk Land Surveyor,
Tahsildar Office,
Kallakurichi Town and Taluk,
Kallakurichi District.
6. The Village Administrative Officer,
Village Administrative Office,
Indhili Village,
Kallakurichi Town and Taluk,
Kallakurichi District.
7. Kamaraj

... Respondents



Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent pertaining to the proceedings in Mu.Mu.A4/ 2804/2020 dated 03.03.2021 and quash the same and consequently direct the respondents 1 to 6 to measure the petitioners land situate in S.No. 166/11 Porpadakurichi Village Kallakurichi Taluk by fixing boundaries and effect sub-division and thereafter to issue a separate Patta in the Petitioners name on the basis of such sub-division.

For Petitioner : Mr.P.Valliappan
M/s.PV Law Associates

For Respondents : Mr.Yogesh Kannadasan RR1 to 6
Spl. GP
Mr.P.Rajavel R7

ORDER

This writ petition is filed seeking to quash the proceedings of the 3rd respondent in Mu.Mu.A4/ 2804/2020 dated 03.03.2021 and consequently, direct the respondents 1 to 6 to measure the petitioners land situate in S.No. 166/11, Porpadakurichi Village, Kallakurichi Taluk, by fixing boundaries and effect sub-division and thereafter, to issue a separate Patta in the Petitioners name on the basis of such sub-division.

2. The case of the petitioner is that the petitioner made a representation to the respondents 1 to 6 seeking to measure his land by fixing boundaries and effect sub-division and thereafter, to issue a separate patta in his name on the basis of such sub-division, for which, the petitioner has also paid necessary charges. However, no action was taken to measure the land. Therefore, the petitioner filed a writ petition in W.P.No.15424/2020 before this Court. This Court, vide its order dated 04.11.2020, disposed of the petition with a direction to the respondents to consider the petitioner's representation. Pursuant to which, the third respondent passed the impugned order on 03.03.2021 that the petitioner was directed to approach the civil Court as there was a tile dispute regarding the land sought to be measured by him. Challenging the said order dated 03.03.2021, the present writ petition has filed before this Court to quash the same.

3. The learned counsel for the petitioner submitted that this Court may quash the impugned order and to permit the petitioner to file fresh application before the jurisdictional



Tahsildar for issuance of separate patta after succeeding the case before the competent civil Court.

4. Heard, the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents, and perused the materials available on record.

5. On perusal of the impugned order, it is seen that after conducting enquiry, there was a title dispute between the parties with regard to the land, which was sought to be measured. Therefore, the Tahsildar has rightly directed the parties to approach the competent forum. Hence, this Court is not inclined to interfere with the impugned order. Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the petitioner to approach the competent civil Court. After succeeding the case, it is open to the petitioner to make a fresh representation to the concerned Tahsildar for issuance of patta. Upon receipt of such representation, the concerned Tahsildar shall consider the same and pass appropriate orders on merits and in accordance with law.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Collector,
District Collector Office,
Kallakurichi Town and Taluk.
2. The District Revenue Officer,
District Collector Office,
Kallakurichi Town and Taluk.
3. The Sub Collector,
Revenue Divisional Office,
Kallakurichi Town and Taluk,
Kallakurichi District.



4. The Tahsildar,
Tahsildar Office,
Kallakurichi Town and Taluk,
Kallakurichi District.

5. The Taluk Land Surveyor,
Tahsildar Office,
Kallakurichi Town and Taluk,
Kallakurichi District.

6. The Village Administrative Officer,
Village Administrative Office,
Indhili Village,
Kallakurichi Town and Taluk,
Kallakurichi District.

+1cc to M/s.P.Valliappan, Advocate, S.R.No.24016

+1cc to Mr.P.Rajavel, Advocate, S.R.No.24191

+1cc to the Government Pleader, S.R.No.24154

WP.No.9852 of 2021

GPL(CO)
RLP(28/04/2022)