IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.24644 of 2022

P. Ramachandran ... Petitioner

Versus.

1.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The Revenue Divisional Officer,
Arni Division
Arni, Thiruvannamalai District.

4.The Tahsildar
Polur Taluk
Polur, Thiruvannamalai District.

5.The Head Surveyor,
Office of the Tahsildar
Polur Taluk, Polur
Thiruvannamalai District.

6.The Village Administrative Officer,
Randham Revenue Village,
Semmiyamangalam P.O.
Polur Taluk, Thiruvannamalai District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent herein, to consider the petitioner's representation, dated 17.08.2022 and consequently to rectify the error in the FMB relating to the extent of petitioner's land admeasuring acre 0.19 cents in Survey No.41/2E at Randham Village, Semmiyamangalam Post, Polur Taluk, Thiruvannamalai District at the earliest point of time.

For Petitioner	:	Mr.N.Elumalai
For Respondents	:	Mr.V.Manoharan Additional Government Pleader

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ORDER

The writ petition is filed seeking for a direction to the third respondent/Revenue Divisional Officer to consider the petitioner's representation, dated 17.08.2022 and for consequential direction to rectify the error in the FMB sketch with regard to the extent of petitioner's land admeasuring acre 0.19 cents in Survey No.41/2E at Randham Village, Semmiyamangalam Post, Polur Taluk, Thiruvannamalai District.

2. According to the petitioner, he has purchased vacant land ad-measuring 0.15 cents comprised in Survey No.41, situated at Randham Village, Polur Taluk from one Kuppan by way of registered sale deed vide Document No.951/1993, dated 04.08.1993 on the file of Sub Registrar Office, Polur, and also he has purchased another adjacent vacant land ad-measuring 0.04 cents in the same survey number and he is in possession and enjoyment of the aforesaid property. After conducting an enquiry, the fourth respondent issued Patta No.690 comprised new Survey No.41/2E was assigned to his land. Thereafter, he has approached the fourth respondent for surveying and dividing the property into four parts. After conducting survey, the Firkha Surveyor found the extent of land as per FMB sketch to be less by 2 1/2 cents. In this regard, the petitioner made a representation dated 17.08.2022 before the third respondent/Revenue Divisional Officer to rectify the said mistake, aggrieved by the inaction of the respondents, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 3rd respondent to consider the petitioner's representation dated 17.08.2022 and dispose of the same within a stipulated time that may be fixed by this Court.

4. Heard the learned counsel on either side and perused the materials placed on record.

5. On a perusal of the records, it is seen that the petitioner has purchased vacant land ad-measuring 0.15 cents comprised in Survey No.41, situated at Randham Village, Polur Taluk from one Kuppan, by way of registered sale deed in Document No.951/1993, dated 04.08.1993 on the file of Sub Registrar Office, Polur, and also he has purchased another adjacent vacant land ad-measuring 0.04 cents in the same survey number and he is in possession and enjoyment of the aforesaid property measuring a total extent of 0.19 cents. However, the grievance of the petitioner is that there was some shortfall of 2 1/2 cents of land in the FMB sketch, but there is no record to indicate the said extent in the FMB sketch and no extent will be indicated in the FMB sketch and there is no provision in the Revenue Standing Order or in the Patta Passbook Act, for rectifying in the FMB sketch. Hence, this Court cannot issue any affirmative direction to the third respondent to rectify the said mistake and therefore, the prayer sought for by the petitioner in the writ petition cannot be granted. Therefore, the Writ Petition is liable to be dismissed.

7. Accordingly, the writ petition is dismissed with liberty to the petitioner to workout his remedy before the appropriate forum in the manner known to law.

13.09.2022

Index : Yes / No
Speaking order : Yes / No
msm

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M.DHANDAPANI, J.

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