



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.30776 of 2019

A.Pavadai

... Petitioner

-Vs-

1. The Sub Collector,
Thirukovilur Taluk,
Villupuram District.
2. The Assistant Director,
Land Surveyor Department,
Villupuram.
3. The Taluk Deputy Inspector,
Land Surveyor Department,
Ulundurpet Taluk Office,
Villupuram.
4. The Revenue Inspector,
Thirukovilur Taluk,
Villupuram District.
5. The Tahsildar,
Ulundurpet Taluk,
Villupuram District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the third respondent herein to consider the petitioner's representation dated 30.10.2017 in the light of recommendation made by the second respondent to sub-division the Survey No.79/6 to the extent of 0.22 cents land exclusively without including other land in Survey No.79/5 and 79/7 at Koovadu Village, Ulundurpet Taluk, Villupuram District and to restore the Original entires in all relevant records on the basis of the petitioner's application dated 25.02.2017 within a time frame fixed by this Court.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.P.Balathandayutham
Special Government Pleader



ORDER

The Writ Petition has been filed to direct the third respondent herein to consider the petitioner's representation dated 30.10.2017 in the light of recommendation made by the second respondent to sub-division the Survey No.79/6 to the extent of 0.22 cents land exclusively without including other land in Survey Nos.79/5 and 79/7 at Koovadu Village, Ulundurpet Taluk, Villupuram District and to restore the Original entires in all relevant records on the basis of the petitioner's application dated 25.02.2017 within a time frame fixed by this Court.

2. The case of the petitioner is that the petitioner had purchased the land comprised in survey Nos.79/5 and 79/7 to an extent of 0.19 cents and 0.85 cents respectively, situated at Koovadu Village, Ulundurpet Taluk, Villupuram District. The petitioner also purchased another lands comprised in survey No.79/5 to an extent of 0.06 $\frac{1}{4}$ cents, the land comprised in survey No.79/6 to an extent of 0.11 cents, the land comprised in survey No. 79/7 to an extent of 0.38 cents along with well, the land comprised in survey No.79/9B to an extent of 0.06 $\frac{1}{4}$ cents and the land in survey No.79/5 to an extent of 0.10 cents. Thereafter, the petitioner made application on 25.05.2017 for sub-division of the aforesaid lands. The petitioner also paid requisite fee before the fifth respondent. The second respondent also forwarded the representation of the petitioner to the third respondent. Thereafter, no action has been taken by the respondents and hence the petitioner filed this present Writ Petition.

3. Heard Mr.S.Saravana Kumar, learned counsel appearing for the petitioner and Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents.

4. On perusal of the counter affidavit filed by the fifth respondent revealed that the petitioner had applied for sub-division of land records for the land comprised in survey Nos. 79/5, 6, 7,8 and 98 situated at Koovadu Village, Ulundurpet Taluk. On perusal of his documents revealed that he had purchased the land in the above survey numbers and another person viz., Palanivel is also the joint owner of the above said survey numbers. On the basis of the request, the sub-division was made in respect of the land comprised in survey Nos.79/5A,5B,6A,6B & 7A,7B. However, the petitioner purchased the land vide sale document No.2056 of 2006, in which the boundaries were not mentioned and simply mentioned as "common enjoyment". Therefore, the sub-division were made based on the enjoyment of the land owners as on ground and consensual statements given by the land owners at the time of surveying.



Further the adjoining lands comprised in survey No.80 is Odai poramboke and survey No.81 is Eri Poramboke, which are Government water course poramboke lands. The petitioner as well as the another person viz., Palanivel had encroached the adjoining Government Poramboke lands to an extent of one acre, each. Therefore, the petitioner made application with malafide intention of encroaching the adjacent Government Poramboke lands.

5. Considering the above facts, the Writ Petition is devoid of merits and is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Collector,
Thirukovilur Taluk,
Villupuram District.
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Land Surveyor Department,
Villupuram.
3. The Taluk Deputy Inspector,
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5. The Tahsildar,
Ulundurpet Taluk,
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+1cc to the Government Pleader, S.R.No.4755

W.P. No.30776 of 2019

RLP(CO)
SB(09/03/2022)