



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.5909 of 2022

P.Kamatchiammal

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Dindigul District,
Dindigul.
- 2.The District Revenue Officer,
Collectorate,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Atthur Taluk,
Dindigul District.
- 4.The Tahsildar,
Atthur Taluk,
Dindigul District.
- 5.The Village Administrative Officer,
Ambathurai Village,
Atthur Taluk,
Dindigul District.

6.Murugesan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4 to resurvey the lands, rectify the mistake committed by them in F.M.B. as well as patta and further direct the respondents 2 to 4 to grant a separate patta in the petitioner's name to the properties covered under the settlement deed dated 25.03.1957 executed by the petitioner's aunty adoptive mother namely one Late.Soundammal vide document No.494/1957 on the file of Sub Registrar, Atthur, Dindigul District in view of decree dated 22.11.1966 in O.S.No.431/1965 on the file of District Munsif of Dindigul.

For Petitioner : Mr.K.Rajeshwaran

For Respondents 1 to 5 : Mr.D.Sasikumar

Additional Government Pleader



O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 2 to 4 to resurvey the lands, rectify the mistake committed by them in F.M.B. as well as patta, to issue separate patta in the petitioner's name to the properties covered under the settlement deed dated 25.03.1957 executed by Late.Soundammal vide Document No.494/1957, on the file of the Sub-Registrar, Atthur, Dindigul District and in the light of the judgment and decree dated 22.11.1966 passed in O.S.No.431/1965, on the file of the District Munsif Court, Dindigul, based on the petitioner's representation dated 06.01.2022, within a time frame to be fixed by this Court.

2. According to the petitioner, the sixth respondent has encroached upon the petitioner's property referred to supra. The petitioner claims ownership by virtue of a settlement deed dated 25.03.1957 registered as Document No.494/1957, on the file of the Sub-Registrar, Atthur, Dindigul District and by virtue of a Civil Court decree dated 22.11.1966 passed in O.S.No.431/1965 on the file of the District Munsif Court, Dindigul. Since there is a boundary dispute and the patta for a larger extent has been issued in favour of the sixth respondent, the petitioner has given her representation on 06.01.2022, seeking for re-survey of the lands and to rectify the mistake committed in the FMB as well as the patta and further requesting for a separate patta in the petitioner's name in respect of the properties covered under the settlement deed dated 25.03.1957. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.K.Rajeshwaran, learned Counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 5.

4. The petitioner has filed documents along with the writ petition including the settlement deed dated 25.03.1957 registered as Document No.494/1957 as well as the copy of the Civil Court decree passed on 22.11.1966 in O.S.No.431 of 1965 on the file of the District Munsif Court, Dindigul in support of her claim. The petitioner claims that the sixth respondent has encroached upon her property and has got a patta in excess of the lands which he is legally entitled. The petitioner claims that there is a boundary dispute and only in such circumstances, the petitioner has sought for re-survey and demarcation of boundaries and for rectification of the alleged mistake committed in the FMB as well as in the patta.

5. No prejudice would be caused to the fourth respondent if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the sixth respondent as well as any other necessary party whom



the fourth respondent deems fit to enquire.

6.For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 06.01.2022, requesting for resurvey of the lands, rectification of the mistake alleged to have been committed in the FMB as well as patta and for issuance of separate patta in the petitioner's name for the properties covered under the settlement deed dated 25.03.1957 registered as Document No.494 of 1957 and also in the light of the Civil Court decree dated 22.11.1966 passed by the District Munsif Court, Dindigul in O.S.No.431 of 1965 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the sixth respondent and also any other necessary party whom the fourth respondent deems fit to enquire within a period of three [3] months from the date of receipt of a copy of this order. In case, there is a necessity to conduct survey of the property, the petitioner will have to pay the necessary charges to the fourth respondent. Any survey shall be done by the fourth respondent only in the presence of the petitioner and the sixth respondent and any other necessary party whom the fourth respondent deems fit to put on notice.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
Collectorate,
Dindigul District,
Dindigul.

2.The District Revenue Officer,
Collectorate,
Dindigul District,
Dindigul.

3.The Revenue Divisional Officer,
Atthur Taluk,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Tahsildar,
Atthur Taluk,
Dindigul District.

5.The Village Administrative Officer,
Ambathurai Village,
Atthur Taluk,
Dindigul District.

+1 CC to M/s.A.GOUTHAMAN, Advocate (SR-16292[F] dated 04/04/2022)

+1 CC to M/s.SPL GP (SR-16357[F] dated 04/04/2022)

ORDER MADE IN
W.P. [MD]No.5909 of 2022
01.04.2022

RK(08/04/2022) 4P 8C