



W.P.(MD)No.4520 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.4520 of 2014

and

M.P(MD) No.1 of 2014

K.A.T.Balsubramanian

... Petitioner

Vs

The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in his proceedings in Na.Ka.A1/793/2013 dated 13.05.2013 and quash the same as illegal and consequently direct the respondent to survey and record the boundaries of the petitioner's land in survey No.1275/2, to an extent of 46 cents at Thiruthangal, Sivakasi Taluk, Virudhunagar District, within a time frame fixed by this Court.



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W.P.(MD)No.4520 of 2014

For Petitioner : Mr.J.Jeyakumaran
For Respondent : Mr.M.Prakesh
Additional Government Pleader

ORDER

The writ petition has been filed challenging the order of the Revenue Divisional Officer, Sivakasi, rejecting the petitioner's claim to survey the land in Survey No.1275/2, which he claims to have been inherited from his father, who was allotted 46 cents in the aforesaid survey number by way of partition in the year 1961.

2. In the impugned order, the respondent has stated that pursuant to an inspection made by the Surveyor, it has been found that the land in Survey No.1275/2 has been sub-divided and in respect of Survey No. 1275/2A1, patta has been issued vide Patta No.2063 in favour of one Alagu Kumari Nadar and 13 others. Even roads have been formed in the land by the Government and therefore, it would be difficult to survey the land as claimed by the petitioner and he had also indicated that the petitioner had refused to attend the enquiry.



W.P.(MD)No.4520 of 2014

WEB COPY

3.It is not disputed by the petitioner that some other third parties are in occupation of the property. However, his claim is that after partition, his cousins have executed the power of attorney in favour of one third party and the third party had created bogus documents even in respect of the land belonging to the petitioner. These are all issues that will have to be adjudicated before the Civil Court.

4.In view of the aforesaid findings, I am of the view that the present writ petition could not be entertained and the petitioner is given liberty to approach the appropriate civil court.

5.With the aforesaid liberty, this Writ Petition is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

Internet:Yes/No
Index :Yes/No
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W.P.(MD)No.4520 of 2014

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W.P.(MD)No.4520 of 2014

K.KUMARESH BABU, J.

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