



W.A.No.265 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.265 of 2023

P.Ramachandran

.. Appellant

Vs

- 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.



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

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 13.09.2022 in W.P.No.24644 of 2022.

For the Appellant : Mr.N.Elumalai

For the Respondents : Mr.P.Muthukumar
State Government Pleader

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

The writ appeal is directed against the order dated 13.9.2022 passed by the learned Single Judge in W.P.No.24644 of 2022, wherein the appellant sought for a direction on the respondents to rectify the error in the FMB sketch with regard to the extent of appellant's land measuring 0.19 cents in Survey No.41/2E at Randham Village, Polur Taluk, by considering his representation dated 17.8.2022.

2. Learned counsel for the appellant submitted that



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respondents 3 and 4, being revenue authorities, are empowered to rectify the error in the FMB sketch in respect of measurement. Despite such power conferred on them, the representation of the appellant to correct the measurements in the FMB sketch has not been disposed of and, therefore, the learned Single Judge ought to have issued direction on respondents 3 and 4 to dispose of the representation expeditiously.

3. On a perusal of the order passed by the learned Single Judge, it is seen that in the impugned order, while dismissing the writ petition, the learned Single Judge recorded that the appellant had purchased the vacant land measuring 0.15 cents in Survey No.41 situated at Randham Village, Polur Tauk through a sale deed dated 4.8.1993 and he had also purchased another adjacent vacant land measuring 0.04 cents in the same survey number and is in possession and enjoyment of the total extent of 19 cents. However, the grievance of the appellant is that there is a shortfall of 2½ cents of land in the FMB sketch. After recording so, the learned Single Judge held that Writ Court cannot issue any affirmative direction to



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the third respondent to rectify the said mistake. The learned Single Judge also granted liberty to the appellant to work out his remedy before the competent forum.

4. We are of the view that the aforesaid finding arrived at by the learned Single Judge is perfectly correct. As rightly held by the learned Single Judge, exercising jurisdiction under Article 226 of the Constitution of India, the High Court cannot issue affirmative direction to the revenue authorities to rectify the FMB sketch in respect of measurements of the property. Finding no error in the order of the learned Single Judge, the writ appeal is dismissed. If there is any dispute qua the extent of land in the FMB sketch when compared with the titled documents, the appellant can approach the competent forum. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
13.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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