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WP No.18302 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 30-08-2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**WP No.18302 of 2021**

**And**

**WMP No.19532 of 2021**

Vimaladevi

... Petitioner

Vs.

- 1.The District Revenue Officer,  
Tiruppur,  
Tiruppur District.
- 2.The Revenue Divisional Officer,  
Dharapuram,  
Tiruppur District.
- 3.The Tahsildar,  
Dharapuram,  
Tiruppur District.
- 4.The Zonal Deputy Thasildar,  
Dharapuram,  
Tiruppur District.
- 5.The Assistant Director,  
Land Survey Department,  
Tiruppur District.



6.Natchimuthu Gounder

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in Na.Ka.No.15047/2018/J1 dated 14.07.2021 and quash the same as illegal, arbitrary and against law and consequentially direct the respondents 1 to 5 to resurvey the entire land in old S.No.602, Sellampalayam Village, Dharapuram Taluk, Tiruppur District as per documents of the respective parties and make appropriate charges in the revenue records.

For Petitioner : Mr.S.Parthasarathy,  
Senior Counsel for  
Mr.P.Dinesh Kumar.

For Respondents-1 to 5 : Mr.T.Arunkumar,  
Additional Government Pleader.

For Respondent-6 : Mr.N.Srinivasan

## **ORDER**

The writ petition on hand has been instituted challenging the order dated 14.07.2021 passed by the first respondent-District Revenue Officer, Tiruppur.



2. The petitioner states that the land in dispute is situated in Old Survey No.602 and new R.S.No.219/1, 220/1, Sellampalayam Village, Dharapuram Taluk, Tiruppur District. The petitioner purchased 4.13 Acres of land in Old S.No.602, R.S.No.219/1, 220/1 from one Mr.Kandasamy Gounder by way of Registered Sale Deed vide document No.3980 of 2016 dated 08.06.2016. The petitioner is in possession and enjoyment of the land of an extent of 4.13 Acres. Patta was granted to an extent of 4.13 Acres of land and revenue records were mutated in the name of the writ petitioner.

3. The sixth respondent-Natchimuthu Gounder filed an application stating that he has inherited the property to an extent of 6.72  $\frac{3}{4}$  Acres of land in Old S.No.602 by way of Partition Deed vide Document No.1581 of 1976 dated 13.08.1976. Since the sixth respondent was enjoying the lesser portion of the property, which is in contradiction to the Partition Deed, he filed an application before the Revenue Divisional Officer/Sub Collector, Dharapuram, who in turn conducted an enquiry and found that the vendor of the writ petitioner had purchased 3 Acres of land and he transferred 4.13 Acres of land in favour of the writ petitioner. Since the



vendor of the writ petitioner was granted patta to an extent of 4.13 Acres of land, he conveyed the property in favour of the writ petitioner.

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4. The Authorities found that the writ petitioner could not produce any document to establish that he purchased 4.13 Acres from his vendor. In other words, the documents established the purchase of 3 Acres of land by the vendor to the writ petitioner. But the patta was granted to an extent of 4.13 Acres of land. A contradiction was identified by the Revenue Divisional Officer/Sub Collector and therefore, the order was passed in proceedings dated 17.09.2018 to correct the entries in the revenue records. The petitioner preferred an appeal before the District Revenue Officer, Thiruppur, who in turn confirmed the order passed by the Revenue Divisional Officer/Sub Collector.

5. The learned Senior Counsel appearing on behalf of the writ petitioner mainly contended that that the petitioner is in possession of land of an extent of 4.13 Acres and the survey to the entire area of land in Survey No.602 ought to have been conducted by the Competent Authorities. Contrarily, they have surveyed the land belonging to the petitioner and the



sixth respondent. Therefore, there is no possibility of further error in the matter of determining the issues.

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6. It is not in dispute that the vendor to the petitioner conveyed the land, which was possessed vide document to an extent of 3 Acres of land conveyed in favour of the writ petitioner to an extent of 4.13 Acres of land. The transfer of land was effected to by the vendor to the petitioner, since he was holding patta to an extent of 4.13 Acres of land.

7. The District Revenue Officer also conducted an enquiry by affording an opportunity to the writ petitioner. A report was obtained from the Assistant Director of Survey and Land Records. The report dated 06.01.2021 reveals that the mistake occurred, while granting patta in favour of the vendor to the writ petitioner and that is to be corrected.

8. The learned Additional Government Pleader, appearing on behalf of the respondents 1 to 5 relying on the counter and made a submission that Mr.Kandasamy Gounder, S/o.Ramasamy Gounder is having only 3 Acres of land as per Sale Deed No.1996 of 1982 dated 23.08.1982.



But he is enjoying 4.13 Acres as per Re-Survey No.219/1, measuring 3.58 Acres and Re-Survey No.220/1 measuring 0.35 Acres totally 4.13 Acres as stated above. Mr.Kandasamy Gounder, S/o.Ramasamy Gounder is not at all having any documentary evidences for the proof of holding 4.13 Acres in Old S.F.No.602 of Chinnakkampalayam Village or in new S.F.No.219/1 and 220/1 of Selampalayam Village of Dharapuram Taluk.

9. The Assistant Director of Survey and Land Records, Tiruppur District in his report stated that the measurement and area in Re-Survey No.219/1 and 220/1 had been followed during Resurvey and found that the boundaries of Old S.F.No.602 had been correlated with Resurvey No.219/1 and 220/1 without any variation and found correct.

10. Pertinently, regarding the claim of the sixth respondent, District Revenue Officer found that the sixth respondent was having 6.72 <sup>3</sup>/<sub>4</sub> Acres of land in Old S.F.No.602 of Chinnakkampalayam Village as per Partition Deed No.1581 of 1976, dated 13.08.1976. During Resurvey, this extent of land had been reduced as 5.38 Acres in new Resurvey No.220/2 as measuring an extent of 2.18.0 Hectares (5.38 Acres) and the balance extent



had been merged with in New S.F.No.219/1 and 220/1 of Selampalayam Village of Dharapuram Taluk.

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11. The above findings of the Revenue Divisional Officer/Sub Collector and the District Revenue Officer would reveal that there was a mistake occurred, while granting patta in favour of the vendor to the writ petitioner and taking advantage of the patta granted by the Revenue Authorities, the vendor to the petitioner conveyed the land to an extent of 4.13 Acres in favour of the writ petitioner and the said mistake occurred was corrected through the impugned order. Thus, this Court do not find any infirmity in respect of the order passed by the respondents.

12. Accordingly, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

**30-08-2023**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn



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**S.M.SUBRAMANIAM, J.**

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