



W.P.No.29066 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29066 of 2023

N.Selvam

... Petitioner

versus

1.The District Collector,
Collectorate,
Cuddalore District.

2.The Sub-Collector,
Panruty Revenue Division,
Panruty.

3.The Tahsildar,
Panruty Taluk,
Panruty,
Cuddalore District.

4.The Assistant Divisional Engineer (H),
Highways Department,
Panruti, Cuddalore District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Mandamus, directing the respondents not to dispossess the

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petitioner of the land in Survey No.169/1 at Maalikampattu Village, Panruty Taluk, Cuddalore District until the Survey and demarcation of the boundary is completed and directing the third respondent to survey the land in Survey No.169/1 at Maalikampattu Village, Panruty Taluk, Cuddalore District and grant the patta in favour of the petitioner in accordance with law.

For Petitioner : Mr.Durai. Gunasekaran
For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

Mr.P.Gurunathan, learned Additional Government Pleader takes notice for the respondents. By consent of both the parties the writ petition is taken up for final disposal at the admission stage, itself.

2. The petitioner seeks for a mandamus directing the respondents not to dispossess the petitioner's land in Survey No.169/1 at Maalikampattu Village, Panruty Taluk, Cuddalore District until the Survey and demarcation of the boundary are completed, to direct the third respondent to survey the land in Survey No.169/1 at Maalikampattu Village, Panruty Taluk,



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Cuddalore District and to grant patta in favour of the petitioner in accordance with law.

3. The case of the petitioner is that on 21.01.1913, one Dhamodhara Samarthiyar, who was the brother of the petitioner's great grandfather had purchased a land measuring an extent of 80 cents in Survey Number 391/1 at Maalikampattu Village from one Appavu Padayatchi vide a registered sale deed bearing Document No.219 of 1913 on the file of Sub-Registrar's Office, Panruty. It is stated that Survey Number 391/1 has been changed as Survey Number 169/1. Since Dhamodhara Samarthiyar was belonging to Hindu undivided joint family, the said property was divided amongst their brothers. After division, the petitioner has been in continuous possession of 5.5 cents for more than 50 years. While the fact being so, patta for the land in Survey Number 169/1 has been wrongly given to one Kannusamy, son of Vadivel Samarthiyar vide Patta No.934. On 16.06.2023 the petitioner had given a representation to third respondent seeking to cancel the patta. Based on the above representation, on 04.08.2023, the Zonal Deputy Tahsildar had conducted an enquiry and submitted his report to the third respondent herein



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stating that Kannusamy, son of Vadivelu Samarthiyar had no possession of said land in Survey No.169/1 and he is not have any document to prove his title over the property. Further the Zonal Deputy Tahsildar, Panruty had recommended to cancel the patta in the name of Kannusamy, son of Vadivelu Samarthiyar in respect of Survey No.169/1 and issue patta in the name of petitioner's father. Thereafter, the fourth respondent herein is trying to demolish a house, in which, the petitioner is in possession and to lay a road in Survey Number 169/1. Hence, the petitioner approached this Court by way of filing the present writ petition.

4. On a perusal of the records it is seen that the petitioner has not produced any genealogy table or any documents to show that he is residing in the subject property for more than 50 years. Further, it is seen that the dispute involved in this writ petition is regarding the title and possession of the subject property and therefore, it requires proper oral and documentary evidence. Considering the fact that a detailed enquiry is required to decide the title and possession of the aforementioned property, which cannot be decided in the present writ petition, this Writ Petition is dismissed by



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granting liberty to the petitioner to work out his remedy before appropriate forum in the manner known to law. There shall be no order as to costs.

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Speaking/Non-speaking order
Index:Yes/No

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