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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.443 of 2022

V.Navaneethakrishnan

... Petitioner

vs.

1.The District Revenue Officer,
Karur District, Karur-639 007.

2.The Revenue Divisional Officer,
Karur-639 001.

3.The Tahsildar,
Manmangalam Taluk,
Manmangalam – 639 006, Karur District.

4.The Taluk Surveyor,
Mangamangal-639 006.

5.Sadaiyappan

6.R.Kavitha

7.Murugesan

8.Palanisamy

9.S.Palanisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 3 and 4 to survey his land in Survey No.944/4B comprised in Survey No.944 in



Panchamadevi Village, Mangamalgam Taluk, Karur District demarcate the property by fixing survey stones, consequently, to direct the first respondent to issue patta for 5 acres 6 cents instead of 4 acres 40 cents upon his representations, dated 25.02.2020, 30.11.2021 and 13.12.2021 within a time frame.

For Petitioner	:Mr.V.Nagarajan
For R1 to R4	:Mr.D.S.Nedunchezian
	Government Advocate
For R7	:Mr.Murugesan
For R8	:Mr.D.N.Ramanathan

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the third and fourth respondents to conduct survey of the land in S.No.994/4B and in S.No.944 in Panchamadevi Village, Manmangalam Taluk, Karur District and demarcate the property and issue patta with respect to the land measuring 5 acres and 6 cents, which has been wrongly classified as 4 acres and 40 cents. The petitioner had given representations on 25.02.2020, 30.11.2021 and 13.12.2021.



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2.Heard Mr.V.Nagarajan, learned Counsel for the petitioner, Mr.D.S.Nedunchezian, learned Government Advocate for the respondents 1 to 4, Mr.Murugesan, learned Counsel for the seventh respondent and Mr.D.N.Ramanathan, learned Counsel for the eighth respondent.

3.The learned Counsel for the eighth respondent stated that unless UDR records are rectified, the survey cannot be conducted. It is therefore contended by the learned Counsel that the entry in the UDR patta will have to be first rectified and only thereafter, the survey can be conducted.

4.But it could also be the other way. The survey is only a fact finding exercise, wherein, areas are measured and if it is found that the area is actually 5 acres and 6 cents and then a report can be forwarded by the Tahsildar to the first respondent/District Revenue Officer, who is the competent authority to correct any mistake in the UDR.

5.It is however pointed out by the learned Government Advocate



that when the Tahsildar attempted to conduct survey, the petitioner as well as the 5-8th respondents raised objection.

6.It is quite surprising because the petitioner had filed the Writ Petition. He should not raise objection for conducting survey. Let the Tahsildar therefore go over once more to the aforementioned land and attempt to conduct survey. If again the petitioner objects, then the Tahsildar can only file a report and inform the petitioner that the survey could not be conducted.

7.A Mandamus is issued to make that exercise once more and that exercise should be conducted within a period of four weeks from the date of receipt of a copy of this order. It is only imperative that atleast the petitioner cooperates during survey, after having filed the Writ Petition.



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8.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

15.06.2023

cmr

To

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4.The Taluk Surveyor,
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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.443 of 2022

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