



W.P.(MD)No.20820 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20820 of 2021

Mohamed Ziyavudeen

... Petitioner

Vs.

1.The District Collector,
O/o. the District Collector,
Dindigul District.

2.The Municipal Corporation Commissioner,
O/o. the Municipal Corporation, Dindigul District

3.The Tahsildhar,
O/o. the Tahsildhar,
Dindigul District

4.The Head Survey,
O/o. the Head Surveyor,
Dindigul District

5.The Village Administrative Officer,
O/o. the Village Administrative Office,
Dindigul District

6.Jamruth Begam

7.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

...Respondents

[7th respondent is suo motu impleaded vide order dated 16.11.2023]



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondent Nos. 3 and 4 to rectify the Survey Sketch and resurvey the petitioner's land in survey No. 414/2, 414/3 with the extent of 3005 Square feet in Patta No.12250 situated at Natharsha Street, Begampur, Dindigul District, by considering the petitioner's representation dated on 02.11.2021.

For Petitioner	: Mr.S.M.A.Jinnah
For R1, R3, R4 R6 & R7	: Mr.R.Ragavendran Government Advocate
For R2	: Mr.J.Lawrance

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the third and fourth respondents to rectify the survey sketch of the property belonging to the petitioner in Survey Nos.414/2 and 414/3 with an extent of 3005 sq.ft., and to cancel the patta that stands in the name of the sixth respondent by considering the representation made by the petitioner on 02.11.2021.

2.Heard the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the respondents 1, 3, 4, 5 and 7 and the learned counsel for the second respondent.



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3.The grievance of the petitioner is that he is the owner of the property in Survey Nos.414/2 and 414/3 measuring an extent of 3005 sq.ft.. The further case of the petitioner is that the sixth respondent, who is the owner of the adjacent land in Survey No.454/1 managed to include 1252 sq.ft., from the property belonging to the petitioner into her property. The sixth respondent also obtained patta in her favour. The petitioner therefore, made a representation for cancellation of the patta granted in favour of the sixth respondent and for rectifying the survey sketch by showing the correct extent of property of the petitioner as 3005 sq.ft. in Survey Nos.414/2 and 414/3. Since the same was not considered, the present writ petition has been filed before this Court.

4.On going through the records, it is seen that the petitioner has made a representation dated 02.11.2021 to the first and second respondents, whereas the relief has been sought for in this writ petition as against the third and fourth respondents. Further, the representation was given on 02.11.2021 and this writ petition was filed on 19.11.2021. After giving the representation to the first and second respondents, it is not known as to how the petitioner is claiming relief as against third and fourth respondents.



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5. That apart, the grievance expressed by the petitioner cannot be dealt with by the first and second respondents and therefore, the representation given to them on 02.11.2021 cannot be dealt with by them. If according to the petitioner, the sixth respondent included 1252 sq.ft., from the property belonging to the petitioner into her property and has obtained patta from the sixth respondent, the petitioner has to seek for cancellation of the patta either by approaching Tashildar concerned pointing out the discrepancy in issuance of patta to the sixth respondent or by filing an appeal before the Revenue Divisional Officer. Only if this procedure is followed, the revenue authorities will have an opportunity to conduct survey in the property belonging to the petitioner and the sixth respondent based on the title documents and to find out whether the sixth respondent has included 1252 sq.ft., of land from the property belonging to the petitioner into her property. Only upon this determination, the patta that was granted in favour of the sixth respondent can be dealt with. If ultimately, the patta granted in favour of the sixth respondent is interfered, automatically, the survey sketch that was prepared will also be rectified.

6. In view of the above, liberty is granted to the petitioner to make a fresh representation to the Revenue Divisional Officer/ newly impleaded seventh respondent along with all the relevant documents. The seventh



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respondent on receipt of the same, shall issue notice to the sixth respondent and conduct enquiry and pass final orders within a period of three months from the date of receipt of representation from the petitioner.

7.This writ petition is disposed of with the above directions. No costs.

16.11.2023

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

- 1.The District Collector,
O/o. the District Collector,
Dindigul District.
- 2.The Municipal Corporation Commissioner,
O/o. the Municipal Corporation, Dindigul District
- 3.The Tahsildhar,
O/o. the Tahsildhar, Dindigul District
- 4.The Head Survey,
O/o. the Head Surveyor,
Dindigul District
- 5.The Village Administrative Officer,
O/o. the Village Administrative Office,
Dindigul District
- 6.The Revenue Divisional Officer,
Dindigul, Dindigul District.



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N.ANAND VENKATESH, J.

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