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W.P. No.8051 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.8051 of 2024

R.Kandhasamy

... Petitioner

Vs.

1. The District Collector

Dharmapuri District, Dharmapuri

2. The District Revenue Officer

Dharmapuri District, Dharmapuri

3. The Revenue Divisional Officer

Harur Revenue Division, Dharmapuri District

4. The Tahsildar

Pappireddipatti Tauk, Dharmapuri District

5. The Taluk Surveyor

Pappireddipatti Taluk, Dharmapuri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 5th respondent to carry out the survey of the petitioner's properties in Sy.No.198, Sy.No.199/2B and Sy.No.199/2A, situated at Parayapattipudur Village, Parayapattipudur Post, Pappireddipatti Taluk, Dharmapuri District and mark the boundaries within the time stipulated by this Court.



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For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.A.Selvendran

Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 5th respondent to carry out the survey of the petitioner's properties in Sy.Nos.198, 199/2B and 199/2A, situated at Parayapattipudur Village, Parayapattipudur Post, Pappireddipatti Taluk, Dharmapuri District and mark the boundaries, within the time as may be stipulated by this Court.

2. The case of the petitioner is that he is the owner of the above said properties vide registered sale deed in Document No.111/1986 dated 04.02.1986. While so, the petitioner came to know that, during UDR Subdivision, the 3rd respondent has included the names of the legal heirs of one Arumugam in the Patta granted to him and also issued a Joint Patta. Hence, the petitioner's son preferred an appeal before the 2nd respondent and the 2nd respondent, after enquiry, justified the inclusion of their names



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and issuance of Joint Patta, vide his proceedings dated 21.01.2023, stating

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that the said Arumugam, has also purchased some portion of properties in the said survey numbers. Therefore, the petitioner approached the respondents 4 and 5 on several occasions and requested them to survey his land and fix the boundaries on the basis of the above said sale deed. Since there was no response, the petitioner made an online application dated 25.02.2023 to survey his properties and also paid the requisite fees. However, no action has been taken. Hence, the present Writ Petition is filed.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents.

4. Heard and perused the materials available on record.

5. It is seen that already the 2nd respondent has passed an order on 21.01.2023 itself based on the application of the petitioner's son, wherein, he has expressed his inability to grant separate Patta since there was no sub division and he has also directed the aggrieved party to approach the Civil



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Court since the dispute is with regard to title and possession. The petitioner

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neither challenged the said order, nor approached the Civil Court and instead, he has once again made an application before the respondents to conduct survey and since there was no response, he has filed the present Writ Petition seeking a mandamus. However, the petitioner has admitted that the property is under the enjoyment of Joint Pattadhaars namely the legal heirs of Arumugam.

6. Since the dispute is regarding right and entitlement, this Writ Petition is not maintainable.

7. Therefore, this Writ Petition is dismissed at the admission stage itself. There shall be no order as to costs.

8. However, the petitioner is at liberty to work out his remedy in the manner known to law.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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