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W.P.No.8938 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 04-04-2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8938 of 2024

Lakshmi

...

Petitioner

-VS-

1.The District Revenue Officer,
Office of District Collector,
Namakkal.

2.The Assistant Director,
District Land Survey Department,
Office of District Land Survey Department,
Namakkal.

3.The Tahsildar,
Office of Tahsildar, Rasipuram,
Namakkal District.

4.K.Murugesan

...

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus directing the first respondent to consider the representation of the petitioner, dated 30.06.2023, issued to rectify the error by mentioning the Nilaviyalpathai in the A Register with respect to SF.No.44/1 of Athanur Ayipalayam Village, Namakkal District as per FMB and dispose of the same.



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For Petitioner : Mr.R.Nalliyappan

For Respondents 1 to 3 : Mr.P.Sathish,
Addl.Govt.Pleader.

ORDER

This Writ Petition has been filed praying for a direction to the first respondent to consider the representation of the petitioner, dated 30.06.2023, issued to rectify the error by mentioning the Nilaviyalpathai in the A-Register with respect to SF.No.44/1 of Athanur Ayipalayam Village, Namakkal District, as per FMB and dispose of the same.

2. The contention of the petitioner is that there is a mistake crept in in A- Register in respect of survey number and, therefore, the same has to be set right. The petitioner also drew the attention of this Court to Page 43 of the Typed Set of Papers, wherein, her application has been referred to Tahsildar for consideration by the second respondent. It also indicates that the petitioner is trying to establish her easementary right over the property he purchased in the year 2023.

3. Though an attempt has been made before this Court to explain the sketch and difference in A-Register, merely based on xerox copies, those aspects cannot be gone into at this stage. In fact, the representation itself clearly indicates that the petitioner wants to establish her easementary right over the property. Establishing of such rights must be done based on evidence and not by mere affidavit in Writ Petition.



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4. In such view of the matter, let the petitioner file appropriate civil suit before competent Civil Court to establish her right, so that all the documents, including revenue records, can be summoned and examined by the Civil Court.

5. Writ Petition is dismissed accordingly. No costs.

04-04-2024

Index : Yes/No
Internet : Yes/No
dixit

To

- 1.The District Revenue Officer,
Office of District Collector,
Namakkal.
- 2.The Assistant Director,
District Land Survey Department,
Office of District Land Survey Department,
Namakkal.
- 3.The Tahsildar,
Office of Tahsildar, Rasipuram,
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N.SATHISH KUMAR, J.

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