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W.P. No.20814 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. No.20814 of 2024

P.R.Vaithiyanathan

... Petitioner

Vs

1.The Tahsildar
Office of the Tahsildar
Madhuranthagam Taluk
Chengalpattu District

2.The Head Surveyor
Madhuranthagam Taluk
Chengalpattu District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to survey the lands comprised in Old Survey Nos.541/6 and 541/11 and as per patta punjai survey No.541/5 in Zameen Endathur village, Mathuranthagam Taluk, Chengalpattu District in the presence of the petitioner and to lay boundary stones as per representation of the petitioner dated 21.12.2023 along with payment of necessary charges and subsequent reminder letter dated 01.02.2024 submitted to the respondents.

For Petitioner : Mr.R.Venkatesulu



WEB COPY



W.P. No.20814 of 2024

For Respondent : Mr.A.Selvendran
Spl. Govt. Pleader for R1 to R4

ORDER

This writ petition has been filed for a direction to the respondents to survey the lands comprised in Old Survey Nos.541/6 and 541/11 as per patta punjai survey No.541/5 in Zameen Endathur village, Mathuranthagam Taluk, Chengalpattu District in the presence of the petitioner and to lay boundary stones as per representation of the petitioner dated 21.12.2023 along with payment of necessary charges and subsequent reminder letter dated 01.02.2024 submitted to the respondents.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the entire materials available on record.

3. It is the case of the writ petitioner that his purchased an extent of 10.60 Acres in Zameen Endathur Village, Mathuranthagam Taluk, comprised in Old Survey Nos.541/6 and 541/11 as per Patta Punjai Survey No.541/5 by way of a registered sale deed dated 12.12.1956 from one Subramani Reddiar and patta



W.P. No.20814 of 2024

was obtained for the entire extent. In the year 1984, while updating the UDR scheme, petitioner's land was entered as 8.05 Acres in patta. chitta and 'A' Register instead of 10.60 Acres. In view of the mistake committed by the respondents in their revenue records, the registering authority permitted the petitioner to sell only an extent of 8.05 Acres out of 10.60 Acres. Hence this writ petition.

4. It is the contention of the learned Special Government Pleader appearing for the respondents that an extent of 8.05 Acres of land was sold in the year 2012 and hence there is no error on the part of the authority. Now the petitioner wants to survey the remaining extent of land. Whereas, it is the contention of the learned counsel appearing for the petitioner that what was sold is only an extent of 8.05 Acres whereas the total extent is 10.60 Acres. Therefore, the survey is required.

5. When there is a sale in respect of the property with specific boundaries, the general rule is that boundaries will prevail over the extent. Therefore, it is for the petitioner to work out his remedy by filing a civil suit



W.P. No.20814 of 2024

and seek the prayer and if necessary, he may file an application in the suit for demarcation.

6. Accordingly, this writ petition is dismissed with the above observation.

However, there is no order as to costs.

31.07.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

- 1.The Tahsildar
Office of the Tahsildar
Madhuranthagam Taluk
Chengalpattu District
- 2.The Head Surveyor
Madhuranthagam Taluk
Chengalpattu District
- 3.The Government Pleader
High Court, Madras

N.SATHISH KUMAR, J.



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W.P. No.20814 of 2024

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