



W.A.No.2860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR

AND

THE HON'BLE Dr. JUSTICE A.D.MARIA CLETE

W.A.No.2860 of 2024

R.Kandhasamy

.. Appellant

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 Taluk
Dharmapuri District

5.The Taluk Surveyor
Pappireddipatti Taluk
Dharmapuri District

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent, against the order



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dated 27.03.2024 passed by the learned Judge in W.P.No.8051 of 2024.

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For Appellant : Mr.Ma.P.Thangavel
For Respondents : Mr.G.Krishnaraja
Additional Government Pleader

J U D G M E N T

(Delivered by S.S.SUNDAR, J.)

This appeal is directed against the order dated 27.03.2024 passed by the learned Single Judge in W.P.No.8051 of 2024, dismissing the said writ petition filed by the appellant for issuance of a writ of mandamus directing the 5th respondent to carry out survey of the petitioner's properties in S.Nos.198, 199/2B and 199/2A situated at Parayapattipudur Village, Parayapattipudur Post, Pappireddipatti Taluk, Dharmapuri District.

2. The appellant's case is that he is the owner of the properties in respect of specific extent in S.Nos.198, 199/2B and 199/2A situated at Parayapattipudur Village and that during UDR sub-division, the 3rd respondent has included the names of the legal heirs of one Arumugam in the patta. Though it is admitted that the 2nd respondent viz., the District Revenue Officer justified the inclusion of the names of third parties in the joint patta *vide* proceedings dated 21.01.2023, in view of the fact that some of the third parties



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have also purchased some of the properties in the said survey field, the appellant approached this Court by way of a writ petition, with a prayer as if he is in separate possession of the larger extent in the said survey filed. Therefore, recording the fact that joint patta has been granted by the District Revenue Officer, the learned Single Judge has rightly dismissed the writ petition holding that the appellant should have either challenged the order passed by the District Revenue Officer including the names of the third parties in the same survey field or approached the civil Court for appropriate relief.

3. This Court finds no reason to interfere with the order of the learned Single Judge dismissing the said writ petition. Even before this Court, the learned counsel for the appellant submitted that the total extent of survey No.199/1 is 2.56 acres and after sub-division, several people have purchased the property in S.No.199. The appellant claims title only in respect of portion of the property, based on the sale deed obtained from his vendor and the sale deed of the appellant's vendor. Therefore, the property cannot be demarcated, unless a sub-division takes place after issuing notice to all the parties. However, the appellant seeks relief for demarcation of boundaries as per sale deed without impleading other joint pattadars.

4. In these circumstances, leaving it open to the appellant to seek



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sub-division of property, in the presence of other joint pattadars, who are also holding some lands in the survey field or to approach the civil Court in case of dispute, this appeal stands dismissed. It is also made clear that this order will not stand in the way of the appellant, pursuing his application for sub-division of properties in the presence of all the joint pattadars, who are claiming right in S.No.199 or to approach civil Court for appropriate relief. No costs.

[S.S.S.R.,J.] [A.D.M.C., J.]
21.10.2024

Index : Yes/No
Neutral Citation : Yes/No
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