



W.P.No.30957 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30957 of 2024
and
WMP.No.33559 of 2024

R.Thayumanavan

...Petitioner

Vs.

1. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Vedharanyam Taluk, Nagapattinam District.
2. The Tahsildar,
O/o. The Tahsildar, Vedaranyam,
Nagapattinam District.

3. Vigneshwari

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the order passed by the first respondent vide Na.Ka.No.0770/2024/AA3 dated 19.09.2024 directing the second respondent not to measure the lands at S.No.71/1A, 71/2A and 65/9C and quash the same.



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For Petitioner : Mr.C.Venkatesan

For R1 & R2 : Mr.P.Sathish
Additional Government Pleader

ORDER

Challenging the order passed by the first respondent directing the second respondent to survey the properties situated in Survey Nos.71/1A, 71/2A and 65/9C, the petitioner has come up with this writ petition.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents 1 & 2, this writ petition is disposed of at the admission stage itself.

3. According to the petitioner, he has been in continuous possession and enjoyment of the property by doing cultivation. Earlier, the third respondent attempted to interfere with the possession and enjoyment of the property by the petitioner and in this regard, section 145 Cr.P.C proceedings in M.C.No.15/2023 was initiated by the first respondent and orders were passed



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on 21.03.2023. It is further stated by the petitioner that the third respondent obtained joint patta in respect of the above mentioned properties and the said order was challenged by the petitioner before the appellate authority. In the meantime, the third respondent filed an application before the first respondent seeking measurement of the disputed land. Since there is no prohibitory order passed by the authority, the first respondent directed the second respondent to survey the property. Aggrieved by the same, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner vehemently contended that the petitioner has been in possession and enjoyment of the above mentioned property continuously and the third respondent claiming right over the property, has illegally obtained the document and attempted to interfere with the same and seek survey of the property.

5. Heard both sides and perused the records.

6. On perusal of the impugned order passed by the first respondent, it is seen that originally, the entire extent of the property in S.Nos.65/9C, 71/1A and 71/2A in Voimedu West, Vedharanyam Taluk, Nagapattinam District was



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owned by the petitioner. He sold 30 ares in survey no.71/1A and 5 ares in S.No.71/2A to one Susila under registered sale deed bearing document no.630/2014. The petitioner also sold 3 ares of land in survey No.65/9C under document No.631/2014 in favour of said Susila. Subsequently, the purchaser of the petitioner executed a settlement deed in favour of her father Kalyanasundharam under document No.271/2017. Thereafter, said Kalyanasundharam settled the property in favour of the third respondent under document No.696/2017. Therefore, major extent of the property in the above mentioned survey numbers is owned by the third respondent under registered documents. Based on those registered documents, the third respondent also obtained patta in her favour. As on date, the third respondent's name was included in the patta along with the name of the petitioner, who retains the small extent of the land in all survey numbers. In these circumstances, the third respondent claimed right over the property sold by the petitioner under registered documents and she also got her name included in the revenue documents as co-pattadhar. In the order passed by the first respondent in Section 145 proceedings, third respondent was permitted to harvest the crop available in subject property for fasli year 1432 (relevant to year 2023) and parties were directed to work out their remedy before the Civil Court. The



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petitioner has not obtained any prohibitory order from the civil Court against the third respondent. Therefore, the first respondent is justified in acceding to the request of the third respondent to survey the property.

7. I do not find any error in the impugned order passed by the first respondent and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

To

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Vedharanyam Taluk, Nagapattinam District.
2. The Tahsildar,
O/o. The Tahsildar, Vedaranyam,
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S. SOUNTHAR, J.

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