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W.P.No. 33156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 33156 of 2024

1.R.Eswari

2.R.Rajammal

... Petitioners

Vs

1. The District Collector,
Tiruppur District,

2. The District Revenue Officer,
Tiruppur District

3. The Revenue Divisional Officer,
Tiruppur Division, Tiruppur,
Tiruppur District

4. The Tahsildar,
Avinasi Taluk,
Avinashi, Tiruppur District

5. The Taluk Head Surveyor
Avinasi Taluk,
Avinashi, Tiruppur District

... Respondents



W.P.No. 33156 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondents 4 and 5 to take action to dispose of the petitioner's representation dated 24.11.2023 and 06.10.2024 submitted with regard to survey the Agriculture land properties of a total extent of hectares 0.93.50, Pongalur Village, Avinashi Taluk, Tiruppur District, comprised in Survey No.26/4, Vide Patta No.353, by making proper sub-division.

For Petitioner : Mr.V.Logeshwaren

For Respondent 1 to 5 : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed for a mandamus to issue a direction to the respondents to 4 and 5 to dispose of the petitioner's representation dated 24.11.2023 and 06.10.2024 submitted with regard to survey the land measuring a total extent of hectares 0.93.50, Pongalur Village, Avinashi Taluk, Tiruppur District, comprised in Survey No.26/4, Vide Patta No.353.



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2. It is the case of the petitioners that they are the absolute owners of the above said property. Patta No.353 stood in the name of their mother, but was wrongly entered as Mayngathal. His mother died on 21.10.2019. After her demise, the petitioners have been in continuous possession and enjoyment of the said property. They have given a representation on 24.11.2023 followed by a reminder dated 06.10.2024 to the respondents 4 and 5 to mutate the revenue records and also to survey the land, but the same has not been considered to date. Hence, the petitioner is before this court.

3. Mr.A.Selvendran, learned Special Government Pleader appearing for respondents 1 to 5 would bring to the notice of the Court that the patta, which has been enclosed in the typed set of papers, stands in the name of Mayngathal and not in the name of the petitioner's mother.



4. A perusal of the affidavit filed in support of the writ petition also does not disclose the name of the petitioner's mother. The legal heirship certificate which has been enclosed indicates that the name of the petitioner's mother is Sengammal, who had died on 21.10.2019 leaving behind the petitioners as her surviving legal heirs.

5. Be that as it may, the respondents 4 and 5 shall take into consideration all these aspects, while considering the representations of the petitioner dated 24.11.2023 and 06.10.2024. A mandamus is issued to the respondents to conduct a survey of the petition mentioned property upon the petitioner proving that the property belongs to his mother, Sengammal whose name has been wrongly entered as Mayngathal in the patta. The petitioners shall submit all the relevant records to show their title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a



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rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of.

No costs.

19.11.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1. The District Collector,
Tiruppur District.
2. The District Revenue Officer,
Tiruppur District
3. The Revenue Divisional Officer,
Tiruppur District
4. The Tahsildar,
Avinasi Taluk, Avinashi, Tiruppur District
5. The Taluk Head Surveyor
Avinasi Taluk, Avinashi, Tiruppur District

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