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W.P.No.32907 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32907 of 2024

Pushpa

... Petitioner

Vs.

- 1.The District Collector
O/o.The District Collector,
Tiruppur Post & District.
- 2.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer,
Dharapuram Taluk, Tiruppur District.
- 3.The Tahsildar
O/o.The Tahsildar,
Kangayam Taluk,
Tiruppur District.
- 4.The Sub Inspector (Land Survey),
Kangayam Taluk,
Tiruppur District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to issue patta for the land in possession in Survey No. 283/3B PA, 283/3A1 PA, 283/3C PA, 283/3D PA, 283/3E PA and 283/3F pa to an extent of 1.94 Acres at Marudurai Village, Kangayam Taluk, Tiruppur District based on the inspection FMB Sketch issued by the Sub Inspector (Land Survey),



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Kangeyam and based on the representation dated 20.06.2023 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case.

For Petitioner : M/s.D.Veerasekharan

For Respondents : M/s.G.Velu, AGP
for R.1 to R.4

ORDER

The petitioner seeks a mandamus to the respondents to issue patta in respect of the property that is the subject matter of this writ petition on the basis of the inspection FMB subject sketch submitted by the Sub Inspector (Land Survey), Kangeyam, on the basis of his representation dated 20.06.2023.

2. The petitioner had been assigned the lands measuring an extent of 80 cents in Survey No.283/3A2 at Marudurai Village, Kangeyam Taluk, Tiruppur District on 22.03.2001. These were the lands which had been declared as surplus land under the provisions of Tamil Nadu Land Land Reforms (Fixation of Ceiling on Land) Act. The sale consideration for the assigned land was fixed at a sum of Rs.262/- and the petitioner had paid the entire sale consideration. Therefore, the assignment order was issued to the petitioner on 22.03.2001.

3. The petitioner would submit that she was handed over possession



of the property by the respondent. The petitioner would submit that they had developed the said land and started cultivating it for the last 23 years. The petitioner had applied for a separate patta in respect of the land on 19.05.2005. All revenue records such as patta, A register, chitta etc; reflected her name in the land assigned. Several years after the assignment, a boundary dispute arose between the petitioner and her neighbours. She therefore, submitted an application to conduct a survey and demarcate the property assigned to her i.e; S.No.283//3A2. However, after the survey of the land, to a shock and surprise the petitioner came to learn that the property in respect of which possession was handed over to her was the land comprised in Survey Nos.283/3B PA, 283/3A1 PA, 283/3C PA, 283/3D PA, 283/3E PA and 283/3F PA at Marudurai Village, Kangeyam Taluk, Tiruppur District instead of S.No.283/3A2. On coming to know about this discrepancy, the petitioner had made a representation on 20.06.2023 to rectify the revenue records as per her possession. However, the said representation has not been considered to date. Therefore, the petitioner is before this Court.

4. Heard the counsel on either side and perused the records.

5. The deed of assignment issued to the petitioner describes the



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property allotted to her as S.No.283/3A2. However, the FMB sketch which has been submitted by the 4th respondent would clearly describe the property that has been assigned and the property in respect of which the petitioner is in possession is otherwise. The representation for effecting the correction has been made on 20.06.2023. However, except for receiving the representation no further action has been taken by the respondents. Since the 3rd respondent who has the authority to issue patta has failed in his duty, a mandamus is issued to the 3rd respondent to consider the representation of the petitioner dated 20.06.2023 and passed orders within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

6. With the above directions, this Writ Petition is allowed. No costs.

12.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Collector



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Tiruppur Post & District.

2.The Revenue Divisional Officer
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P.T. ASHA. J.,

(shr)

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