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WP.No.33628 of 2024

In the High Court of Judicature at Madras

Dated : 18.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33628 of 2024

1.K.Sidhayan

2.K.Manikandan

...Petitioners

Vs

1.The District Collector,
Salem District, Salem.

2.The District Revenue Officer,
Salem District, Salem.

3.The Tahsildar, Salem Taluk,
Salem District.

4.The Land Surveyor,
Thirumalaigiri Firka,
Salem District.

5.Palanimalai

6.Thirumurthi

7.Rajendran

8.Rajendran

9.Maniselvam

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to implement the communication dated 10.4.2007 by considering the representation given by the petitioners on 05.8.2024 to the lands in S.F.Nos.18/9 and 18/10.



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For Petitioners : Mr.A.Sundara Vadhanan
For R1 to R4 : Mr.A.Selvendran, SGP

ORDER

The petitioners have approached this Court seeking a Mandamus to the first respondent to consider the representation given by the first petitioner dated 05.8.2024 by implementing the communication date 10.4.2007 in a time bound manner.

2. It is the case of the petitioners that the lands in S.F.Nos.9, 10, 18/9, 18/10, 18/8 and 18/1B belong to both the petitioners as well as respondents 5 to 9. Respondents 5 to 9 are their adjacent owners. According to the petitioners, their forefathers owned the said lands exclusively. In a family partition, the petitioners and the other co-owners were allotted their respective shares and the same comes under these survey numbers. On 23.5.2008, the father of the first petitioner executed a gift settlement deed with reference to the lands comprised in S.Nos.9/1B, 18/10 and 18/12. Thereafter, the brother of the first petitioner - Mr.Krishnan, who is the father of the second petitioner, purchased the lands comprised in S.No.18/9. On the death of the said Mr.Krishnan, the second petitioner and his brother - Mr.Manivasan had entered into a partition deed dated 02.12.2022 and



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divided the property in S.No.18/9 equally. Respondents 5 to 7 own lands in S.Nos.18/1 and 18/1B and a portion of the land in S.No.18/8 is used as a pathway. During the UDR survey, the lands were further sub-divided and new sub-division numbers were given.

3. The petitioners' contention is that by oversight, the lands in S.Nos.18/9 and 18/10 were drawn with little variations from the original survey maps available. As a result, the lands in the petitioners' enjoyment got reduced. Despite several representations given by the petitioner and his brother - the father of the second petitioner pointing out these inaccuracies and deviations, no steps were taken to rectify the mistake and issue a combined FMB. Further, through the communication dated 10.4.2007, the office of the first respondent had conceded that they identified the mistake and were taking steps to correct the same. However, after the said communication, there has been no other communication from the first respondent and the representations of the petitioner and his brother have not been acted upon. Hence the writ petition.

4. Heard the learned counsel for the petitioners and the learned Special Government Pleader accepting notice for respondents 1 to 4.



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5. The discrepancies, deviations, mistakes and inaccuracies in the survey have been admitted by the office of the first respondent. However, although they had promised to correct the said mistakes, so far, no steps have been taken.

6. Considering the efflux of time and the fact that the request is pending for several years, the writ petition is allowed and a Mandamus is issued to the first respondent to consider the first petitioner's representation dated 05.8.2024 in tune with their own communication dated 10.4.2007 in respect of the lands in S.Nos.18/9 and 18/10 and take appropriate action within a period of four weeks from the date of receipt of a copy of this order. No costs.

18.11.2024

To

- 1.The District Collector,
Salem District, Salem.
- 2.The District Revenue Officer,
Salem District, Salem.
- 3.The Tahsildar, Salem Taluk,
Salem District.
- 4.The Land Surveyor,
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RS



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RS

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