



W.P.No.35302 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35302 of 2024

C.M.Varadharajan

...Petitioner

Vs.

1.The District Collector
Tirupattur District Tirupattur.

2.The Tahsildhar,
Narampalli Taluk,
Tirupattur District.

3.The Inspector of Survey,
Narampalli Taluk,
Tirupattur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the 2nd respondent herein to consider and pass orders on the representation of the petitioner dated 06.08.2024 for



W.P.No.35302 of 2024

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subdivision and issuance of patta to the petitioner for the land measuring about 0.97 acres (97 cents) out of 2.53.5 hectares comprised in Survey No. 262, bounded on North by petitioner's other lands, South by Kottaru River, East by Panchayat Road, West by Canal, at Chinnamottur Village, Nattarampalli Taluk, Tirupattur District.

For Petitioner : Mr. M.Sivavarthan

For Respondents : Mr. P.Sathish
Additional Government Pleader.

ORDER

The Writ Petition is filed seeking a mandamus to consider the petitioner's representation dated 06.08.2024 for subdivision and issuance of patta for an extent of 97 cents of land out of a total extent of 2.53.5 hectares comprised in S.No.262, Chinnamottur Village, Nattarampalli Taluk, Tirupattur District.



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2. The subject property is a part of S.No.262, Chinnamottur Village, Nattarampalli Taluk, Tirupattur District. The subject property along with its larger extent was purchased by the petitioner's father under a registered sale deed dated 16.09.1942. Though classified as a natham land, agricultural activities were being carried out in this land for over 8 decades.

3. Since the Government Authorities had questioned the title of the petitioner's father claiming the land as natham, his father filed O.S.No.631 of 1964 on the file of the District Munsif, Tirupattur for a declaration, permanent injunction and for modification of the order of the Survey Officer dated 22.04.1964, regarding fixation of boundaries.

4. By Judgement dated 13.11.1972, the petitioner's father title to the property was granted as well as the injunction taking note of the long possession. The suit was decreed declaring the title of the petitioner's father to the disputed portion, which measured 97 cents and there was injunction granted restraining defendants from interfering



with the petitioner's father's possession and enjoyment of the property.

There is a finding of the learned Judge that the property has been in possession of the plaintiff therein for over 60 years.

5. Thereafter, through a family partition on 04.11.1967, registered as Doc.No.3178/1967, SRO – Vanniyambadi, the property has been allotted to the petitioner. The property is bounded on the North by the other lands of the petitioner, South by the Kottaru River, East by Panchayat road and West by a Canal.

6. The petitioner on 30.10.2023 made representation to the 3rd respondent for surveying and demarcating the boundaries. Charges were also paid on 10.11.2023. There was no response to the same. Once again on 06.08.2024, he had approached the 2nd respondent for measuring, subdividing and granting patta in respect of 97 cents of land.

7. Despite the petitioner's father's title being declared by the Civil



W.P.No.35302 of 2024

Court, the revenue authorities are refusing to act upon the petitioner's request. Therefore, the Writ Petition.

8. As seen from the narration above, the petitioner's right to the extent of 97 cents has been declared in the suit filed by the petitioner's father as early as in the year 1964. The suit has been filed against the 1st respondent herein. The 2nd respondent is bound to survey, measure and demarcate the boundaries of the property and thereafter issue patta. The 2nd respondent appears to have abdicated this statutory duty imposed upon him.

9. Therefore, a mandamus is issued to the 2nd respondent to consider the application of the petitioner dated 30.10.2023, which is renewed on 06.08.2024, within a period of 12 weeks from the date of receipt of a copy of this order. The 2nd respondent shall bear in mind the Judgement passed in O.S.No. 631 of 1964, District Munsif Court, Tirupattur.



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W.P.No.35302 of 2024

10. The Writ Petition is allowed. No costs.

27.11.2024

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W.P.No.35302 of 2024

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P.T. ASHA, J.



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W.P.No.35302 of 2024

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W.P.No. 35302 of 2024

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