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W.P.No.33338 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33338 of 2024

G.Annamalai

... Petitioner

Vs.

1.The Tahsildar
Chengam Taluk,
Chengam,
Tiruvannamalai District

2.The Taluk Surveyor
Taluk Office,
Chengam Taluk,
Chengam,
Tiruvannamalai District

3.Mani

4.Dhandapani

5.Paramasivam

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents 1 and 2 to consider the application of the petitioner dated 13.09.2024 and pass necessary orders to survey effect sub division and issue separate patta



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to the petitioner with respect to his lands measuring 0.2.50, 0.8.50, 0.9.00, 0.53.00 and 0.36.50 hectares comprised in S.Nos.172/3A1, 172/3B1A,172/4A, 173/4B1 and 173/5A1 respectively in Pakkiripalayam village, Chengam Taluk, Tiruvannamalai within the time.

For Petitioner : M/s.P.Mani

For Respondents : M/s.A.Selvendran Special GP,
for R1 & R2.

ORDER

The writ petition is filed to direct the respondents 1 and 2 to consider the application of the petitioner dated 13.09.2024 and pass necessary orders to survey, effect sub division and issue separate patta to the petitioner with respect to his lands measuring 0.2.50, 0.8.50, 0.9.00, 0.53.00 and 0.36.50 hectares comprised in S.Nos.172/3A1, 172/3B1A,172/4A, 173/4B1 and 173/5A1 respectively in Pakkiripalayam village, Chengam Taluk, Tiruvannamalai.

2. The petitioner would submit that he is the owner of the lands measuring 0.67 acres in S.No.174/4, 0.33 acres in S.No.173/5, 0.78 acres in S.No.172/1 and 0.56 acres in S.No.172/3 situate at Pakkiripalayam Village, Chengam Taluk, Tiruvannamalai District. The petitioner had



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purchased the aforesaid properties under sale deeds dated 25.04.1969 and 17.02.1975. The 3rd respondent had filed a suit O.S.No.161 of 1997, on the file of the Principal District Munsif Court, Chengam against the petitioner herein for declaration and permanent injunction. The said suit was dismissed by a judgement and decree dated 28.02.2011. Challenging the same, the 3rd respondent had preferred an appeal in A.S.No.15 of 2011 before the Sub Court, Tiruvannamalai, which was dismissed on 07.02.2012. Challenging the same, the 3rd respondent had filed S.A.No.882 of 2012 before this Court, which was also dismissed on 27.09.2013.

3. The petitioner would further submit that since his request to record his name as pattadar with respect to his lands in the revenue records was not considered, he had filed W.P.No.33519 of 2016. This Court by order dated 23.09.2016 had directed the respondent to consider the petitioner's request and pass orders on merits. Thereupon, the 3rd respondent, by his proceedings dated 12.10.2018, had included the petitioner's name as joint pattadar along with the 3rd respondent.

4. The petitioner would also submit that since his request to measure his lands in S.No.172/1 was not considered by the respondent 1 and 2, he



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had filed W.P.No.25575 of 2022. This Court by order dated 22.09.2022 had directed the 1st respondent herein to consider the petitioner's request and pass necessary orders. The petitioner would submit that except for the property comprised in S.No.172/1, the other properties have not been surveyed. Therefore, the petitioner had submitted an online application on 13.09.2024 to survey his remaining lands in S.Nos.172/3A1, 172/3B1A, 172/4A, 173/4B1 and 173/5A1. The said application has not been considered to date. Therefore, the petitioner is before this Court.

5. Heard the counsel on either side.

6. Considering the fact that respondents 1 and 2 have already surveyed and demarcated one of the properties of the petitioner and despite the application made on 13.09.2024 in respect of the other survey numbers, the survey has not been conducted, a writ of mandamus is issued to the respondents 1 and 2 to conduct survey and subdivision of the properties comprised in S.Nos.172/3A1, 172/3B1A, 172/4A, 173/4B1 and 173/5A1. The petitioner shall submit all the relevant records to show his 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



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request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

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

08.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Tahsildar
Chengam Taluk,
Chengam,
Tiruvannamalai District

2.The Taluk Surveyor
Taluk Office,
Chengam Taluk,
Chengam,
Tiruvannamalai District



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