



W.P.No.35755 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.35755 of 2023

and

W.M.P.No.35733 of 2023

1. C.Chenniyappan

2. Mohanasundaram

3. C.Muthukumar

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Erode.

2. The Thasildhar,
Office of Thasildhar,
Modakurichi,
Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Directing the 2nd respondent to rectify the error in the revenue records occurred in S.F. No. 207/3 at



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Lakkapuram village, Modakurichi Taluk, Erode District as per the direction of the 1st respondent his proceedings dated 29.09.2023 in Na.Ka. 14/ 2023/A4 and by considering the representation of the petitioner dated 11.10.2023.

For Petitioners : Mr.R.Nalliyappan

For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing the second respondent to rectify the error in the Revenue Records occurred in S.F. No. 207/3 at Lakkapuram village, Modakurichi Taluk, Erode District, as per the direction of the 1st respondent his proceedings dated 29.09.2023 in Na.Ka. 14/ 2023/A4 and by considering the representation of the petitioner, dated 11.10.2023.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents and perused the materials available on record.



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3. The petitioner purchased the above property in S.F. No. 207/3 at Lakkapuram village, Modakurichi Taluk, Erode District. The Second respondent sub-divided the said survey number as S.F.Nos.207/3A1, 3A2, 3A3 and 207/3B and recorded the extent of the property wrongly. On the representation of the petitioner, the first respondent had conducted a detailed enquiry and thereafter, by his proceedings dated 29.09.2023, cancelled the sub-division and consequently directed the second respondent to rectify the error regarding the extent of the property based on the title deed. Since there is no response from the respondents, the petitioner is constrained to file a writ petition to rectify the error in the patta.

4. Learned Additional Government Pleader appearing for the respondent submitted that earlier, there was a mistake in the extent of the property in the said survey number. Based on the representation made by the petitioner before the first respondent, the first respondent has given direction to the second respondent to rectify the mistake. The second



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respondent has rectified the corrections in the sub divisions of the lands in question. Since the direction of the first respondent is duly complied with by the second respondent, the writ petition is not maintainable.

5. The petitioner purchased the subject property and the same has been sub-divided by the second respondent further in the name of the petitioner and others. While sub-dividing the said property, the second respondent wrongly entered the extent of property. Hence, the petitioner made an application before the first respondent to rectify the error made in the Revenue Records. The first respondent has given direction to the second respondent to rectify the mistake. Since the second respondent has not carried out the mistake, the petitioner filed the present petition. However, during pendency of the writ petition, mistakes have been rectified by the second respondent. Since the second respondent already carried out the corrections as directed by the first respondent, the writ petitioner is not entitled to the relief as sought for in the writ petition. However, if the petitioner is aggrieved by the patta granted by the second respondent, he can work out his remedy by filing the suit before the Civil



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Court and by establishing his right and possession in the manner known to law.

6. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition in W.M.P.No.35733 of 2023 is ordered on payment of separate court fees by each of the petitioners.

22.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Erode.
2. The Thasildhar,
Office of Thasildhar,
Modakurichi, Erode District.



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P.VELMURUGAN, J.

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