



WP(MD)No.20310 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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S.Sumathi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director of Survey,
Survey Department,
Madurai District.

3.The Tahsildar,
Melur Taluk,
Madurai District.

4.The Head Surveyor,
Melur Taluk Office,
Madurai District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to conduct proper survey on the property and mark the boundaries in Survey No.80/3, situated at Attukkulam Village,



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Melur Taluk, Madurai District on her application, dated 26.07.2024 and her representation dated 26.07.2024 within a stipulated time.

For Petitioner : Mr.J.Balameenakshi
For Respondents : Mr.P.Thambidurai.
Government Advocate

ORDER

This writ petition is filed seeking a direction to the respondents to conduct a survey in her property in Survey No.80/3, Attukkulam Village, Melur Taluk, Madurai District, by considering her application, dated 26.07.2024.

2.The case of the petitioner is that the land in S.No.80/3 is a property, which belongs to Perumalsamy Kovil Trust. According to the petitioner, this Trust was established by her forefather one Suppan Ambalam and the patta for the above property stands in the name of the Trust in Patta No.146. The petitioner is the daughter of one Natarajan and the grand daughter of Muthambalam/the son of Suppan Ambalam. While this being so, during the Natham Survey and UDR Survey, wrong entries have been made in the revenue



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records of the subject property and therefore, the petitioner's father has raised this issue before the Revenue Divisional Officer. The petitioner has also filed applications for conducting proper survey on the said property in S.No.80/3 and the same was not considered. Therefore, the petitioner is before this Court.

3.Mr.P.Thambidurai, learned Government Advocate, who takes notice for the respondents 1 to 4 and submits that these entries have been made a long ago that too, during Natham survey and UDR survey. The land in S.No.80/3 is now subdivided into S.No.80/7, 80/8 and 80/9 and Patta stands in the name of one Sonai and others. The petitioner's father Natarajan has filed an application before the Revenue Divisional Officer to rectify the error in the year 2021 and the same was dismissed by the Revenue Divisional officer, in his proceedings in Ne.Mu.No.3625/2021/A1 dated 21.06.2024. In view of the order passed by the Revenue Divisional officer, the request of the petitioner for conducting survey of the land in S.No. 80/3, now sub-divided into 80/7, 80/8 and 80/9 is not feasible.



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4.This Court considered the rival submissions made and also perused the materials placed on record.

5.As rightly pointed out by the learned Government Advocate that the petitioner's father Natarajan has raised the issue to rectify the error on the sub division made in the land in S.No.80/3 before the Revenue Divisional officer and the same was considered by the Revenue Divisional Officer, however it was rejected vide his proceedings in Ne.Mu.No.3625/24/A, dated 21.06.2024. The subject land has already been sub divided into S.Nos.80/7, 80/8 and 80/9. Therefore, the only available remedy to the petitioner is before the District Revenue officer, by way of an appeal or by filing a fresh application. It is the case of the petitioner that the changes have been made wrongly during UDR survey. In such event also, the District Revenue Officer is the competent authority to decide those issues.



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6.In view of the above, this writ petition is dismissed with liberty to the petitioner to approach the District Revenue Officer by way of an appeal as against the order passed by the Revenue Divisional Officer in Ne.Mu.No.3625/2021/A1, dated 21.06.2024 or by filing an application afresh within a period of two weeks from the date of receipt of a copy of this order. If any such application/appeal is filed by this petitioner, the same shall be considered by the District Revenue officer after providing opportunity to all the interested persons and decide the issue as expeditiously as possible. After getting orders from the District Revenue officer, the petitioner can work out her remedy for survey of the subject land. No costs.

27.08.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/No
vrn



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B.PUGALENDHI,J.

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