



W.P.(MD)No.6015 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P.(MD)No.6015 of 2017

Pooyavee

...Petitioner

-Vs-

1.The Tahsildar,
Taluk Office,
Natham-624 401,
Dindigul District.

2.Raman
3.Krishnan

...Respondents

PRAYER: Writ Petition are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to conduct an enquiry within a stipulated time to be fixed by this Court based on the petitioner's representation dated 19.11.2016.

For Petitioner	: Mr.P.Vairava Sundaram
For R1	: Mr.S.P.Maharajan Special Government Pleader
For R2 & R3	: Mr.H.Lakshmi Shankar



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ORDER

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This writ petition has been filed to direct the first respondent to conduct an enquiry within a stipulated time to be fixed by this Court based on the petitioner's representation dated 19.11.2016.

2.During the pendency of the present writ petition, it appears that the respondents have made survey and have come to the conclusion that the land in actual possession of the petitioner and the extent of the land in the patta do not correspond with each other.

3.The learned counsel for the petitioner on the other hand submitted that the total extent of land in Survey No.1129/4 measures an extent of 8.3 acres. An extent of 4.1.5 acres each was purchased both by the petitioner's mother and the grandfather of the private respondents, namely, second and third respondents herein. There was a sub division of the land into two parts as S.No.1129/4A and 1129/4B, respectively in their favour.

4.It is submitted that the petitioner's mother is an uneducated widow and was not aware that the patta that was issued on 10.03.2014 to



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the petitioner's mother was for a lesser extent and larger extent in the name of the grandfather of the private respondents on 28.05.2015.

5.The learned counsel for the private respondents would submit that the writ petition is devoid of merits as the petitioner has an alternative remedy under Section 12 of the Tamil Nadu Patta Passbook Act, 1983.

6.The learned Special Government Pleader for the first respondent would also refer to G.O.Ms.No.385, Revenue Department, dated 17.08.2004 to show that it is only the Revenue Divisional Officer, who is the appellate authority under Section 14 of the Tamil Nadu Patta Passbook Act, 1983, who is the competent Authority to rectify the errors in the revenue records. Therefore, he submits that the writ petition is liable to be dismissed.

7.Having considered the submissions made by the learned counsel for the petitioner and the respondents, the first respondent is directed to survey the land in the presence of the petitioner as also the private respondents and give a report to both the parties to work out their



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remedy in accordance with law. Since the extent of land that has been conveyed to the petitioner is equal, it is open for the petitioner also to workout his remedy in accordance with law before the Civil Court for declaration and for recovery of possession.

8.In the result, this writ petition is disposed of with the above said directions. No costs.

05.07.2024

Index : Yes/No

Internet : Yes/No

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To

The Tahsildar,
Taluk Office,
Natham-624 401,
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