



W.P.(MD) No.15015 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD) No.15015 of 2016**

N.Thulasi Mani

.. Petitioner

Vs.

1.The Assistant Director,  
Land Survey and Records,  
Trichy District,  
Trichy.

2.The Revenue Divisional Officer,  
Musiri Taluk,  
Trichy.

3.The Tahsildar,  
Thuraiyur Taluk,  
Trichy District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order bearing Na.Ka.A1/15389/2015, dated 09.01.2016 issued by the 3<sup>rd</sup> respondent and quash the same and consequently directing the respondents to take steps to correct the error in the revenue records (FMB sketch) in respect of Survey NO.92/1B2A and 92/1B2C(Old Survey No. 92/1) in Patchaperumalpatti Village



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(North), Thuraiyur Taluk, Trichy District and resurvey the land.

For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.D.S.Neduncheziyan  
Government Advocate

### **ORDER**

Challenging the rejection of the request to correct the revenue records in respect of Survey Nos.92/1B2A and 92/1B2C (Old Survey No. 92/1) Patchaperumalapatti village, Thuraiyur Taluk, Trichy and to once again resurvey the land, the petitioner is before this Court.

2. It is the case of the petitioner that her family was engaged in agricultural activities and the petitioner, her husband and her son were carrying on agricultural activities in the aforesaid land. These lands were purchased by the petitioner on 02.11.1995 from one Srinivasan and the total extent purchased was an extent of 2 acres and 47 cents.

3. The property had originally belonged to one Adaikachi Pitchai and Chinnaian. In the year 1958, there is a registered partition between both of them and Chinnaian sold his property measuring an extent of 2



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acres and 60 cents allotted to him under the partition in favour of one Srirengan s/o Varadharajan. Therefore, a joint patta was issued in the name of Adaikachi Pitchai and Srirengan in respect of Survey No.92/1. Thereafter, by proceedings, dated 15.12.1967, the property in Survey No. 92/1 was subdivided as Survey No.92/1A (Adaikachi Pitchai) and Survey No.92/1B (Srirengan). Separate pattas were also issued and changes effected in the FMB sketch.

4. Meanwhile, Srirengan had executed a settlement deed measuring an extent of 2 acres 60 cents in favour of his son Srinivasan. This was subdivided as Survey No.92/1B2A, 92/1B2B and 92/1B2C. The remaining 13 cents were acquired for a channel and was allotted Survey No.92/1B. It is from the said Srinivasan that the petitioner had purchased an extent of 2 acres 47 cents.

5. The petitioner would submit that in the year 1972, there appears to be an entry as if the subdivision had been done which according to the petitioner, had not been done and if done, the same was without



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authority. As a result of this wrong subdivision, the petitioner has a shortage of 10 cents. Therefore, he had made a representation to the authorities to notify and resurvey the lands on 14.05.2015. The petitioner respectfully states no action was taken, she had filed W.P(MD)No.14140 of 2015 before this Court for a direction to the 3<sup>rd</sup> respondent to consider the representation. Though the 3<sup>rd</sup> respondent had issued enquiry notice and the petitioner had appeared and produced documents, the survey was not properly conducted. The respondents wanted the petitioner to sign as if the survey had been properly conducted, which was refused by the petitioner. Thereafter, by an order, dated 09.01.2016, the 3<sup>rd</sup> respondent rejected the petitioner's request and thereafter, the petitioner had submitted a petition to the 1<sup>st</sup> respondent on 09.06.2016 and the 1<sup>st</sup> respondent had informed the petitioner that he should approach the Civil Court to sort out the issue.

6. Heard the learned counsels on either side.

7. Admittedly, the property in Survey No.92/1 had been allotted to the share of Adakachi Pitchai and Chinnayan. Chinnaiyan's portion of



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property in turn had been sold and a portion was retained, after which the subdivisions had been made and separate pattas have been issued. The petitioner now seeks to correct the revenue records in respect of Survey No.92/1B2A and 92/1B2C by resurveying the lands on the basis of the petitioner's documents. The said request cannot be considered, since admittedly the property bearing Survey No.92/1 had been subdivided after the partition and alienation. The petitioner had not made out any case as to how there is a disparity between the FMB sketch and documents/revenue records. In case there is a shortage of 10 cents in his land, it is well open to the petitioner to move an appropriate civil suit for recovery and establish their title.

8. In view of the above, this Writ Petition stands dismissed. No costs.

**12.08.2024**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
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To

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**P.T.ASHA, J.**

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