



W.P.(MD) No.23451 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

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Church of South India Trust Association,
Tiruchirapalli-Thanjavur Diocese,
Rep., by its Diocesan Treasurer,
A.Suresh Kumar,
CSI Diocesan Office,
Puthur, Tiruchirapalli-620 017.

.. Petitioner

Vs.

1.The Commissioner,
Tiruchirapalli City Corporation,
Tiruchirapalli.

2.The Tahsildhar,
Tiruchirapalli West Taluk,
Tiruchirapalli.

3.Kamalaludeen

4.K.Gulam Dasthageer

5.Pyross

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to cancel the sub division made in T.S.Nos.98/1 and 98/2 in their Town



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Survey Filed Register and restore to its original status as T.S.No.98 in the name of S.P.G. Elementary School situated at Ward X, Block No.9, Abishekapuram Village, Tiruchirapali West Taluk, Tiruchirapalli District, by considering the petitioner's representation dated 28.08.2024 within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah
For R1 : Mr.J.Sriprasad
Standing Counsel
for M/s.B.Law Associates
For R2 : Mr.P.Thambidurai
Government Advocate

ORDER

A mandamus is sought by the petitioner to the first respondent to cancel the sub-divisions made in T.S.Nos.98/1 and 98/2 in their Town Survey Field Register and to restore it to its original status as standing in the name of S.P.G. Elementary School, Ward X, Block No.9, Abishekapuram Village, Tiruchirapalli West Taluk, Tiruchirapalli District, by considering the petitioner's representation dated 28.08.2024.



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2. The petitioner, which is a Religious and Public Charitable Trust owning several properties across the District of Tiruchirappalli, also owned property measuring an extent of 13 Ares in T.S.No.98 of the aforesaid Village. In one portion of the property, a school is being run in the name and style of S.P.G.Elementary School and the other portion has been leased out to one Abdul Majeed. He was subsequently evicted from the said property, as he had put up an unauthorised construction, as per judgment and decree in O.S.No.321 of 2022, on the file of the Principal District Munsif Court, Tiruchirappalli and A.S.No.125 of 2005, on the file of the District Court, Tiruchirappalli, which was later transferred to Subordinate Court, Tiruchirappali and renumbered as A.S.No.96 of 2005. The entire extent therefore, is now utilised by the School without any subdivision.

3. While so, one Kamalaludeen, who is no way connected to the petitioner's property, taking advantage of the sub-division in the first respondent's Town Survey Field Register, executed a settlement deed dated 24.10.2019 in favour of his son Gulam Dasthageer (fourth



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respondent herein). The fourth respondent thereafter, created further encumbrances in respect of the subject property in favour of third parties. Therefore, the petitioner had filed O.S.No.224 of 2024 for cancelling these fraudulent documents. When the petitioner had sought a response under the Right to Information Act to his query from the Tahsildar, Tiruchirappalli West, as to how subdivision in T.S.No.98 had taken place, he had received a reply dated 24.03.2023 that “no such records were available”. The Town Survey Land Register continues to only show the survey number as T.S.No.98, whereas the Town Survey Field Register maintained by the first respondent-Corporation shows that the survey number has been subdivided as T.S.Nos.98/1 and 98/2. Therefore, the petitioner had made a representation on 28.08.2024 requesting the first respondent to rectify the error of subdividing T.S.No.98 and restore it to its original state.

4. Considering the fact that the petitioner's right has been recognised in the suit in O.S.No.321 of 2002 and further confirmed in A.S.No.125 of 2005, the first respondent shall consider the petitioner's



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representation dated 28.08.2024, hear the parties including the fourth respondent and other interested parties and thereafter, proceed to rectify the error in the Town Survey Field Register within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is allowed. No costs.

01.10.2024

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

abr

To

The Tahsildhar,
Tiruchirapalli West Taluk,
Tiruchirapalli.



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P.T.ASHA, J.

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