



WP(MD)No.24019 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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S.Subramanian

...Petitioner

Vs

1.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

2.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

3.The Taluk Surveyor,
Office of the Tahsildar, Sivakasi,
Sivakasi Taluk,
Virudhunagar District.

4.The Inspector of Police,
N.Pudupatti Police Station,
Tiruthanagal Circle,
Virudhunagar District.

5.E.Thangam

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the respondents 1 to 4 from not to make survey and interfere in the civil dispute in S.No.779/2 in Nedunkulam Village, Sivakasi Taluk, Virudhunagar District and



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consequential direction to the 1st respondent to dispose the appeal filed by the petitioner under Section 12 of the Patta Pass Book Act by considering the petitioner's representation dated 01.10.2024.

For Petitioner : Mr.E.Mareeskumar

For Respondent : Mr.B.Saravanan,

No.1 to 3 Additional Government Pleader

For Respondent : Mr.K.Gnanasekaran

No.4 Government Advocate (Crl Side)

ORDER

The petitioner claims that he is having shares in the land in S.No.779/2 in Nedunkulam Village, Sivakasi Taluk, Virudhunagar District. According to the learned Counsel for the petitioner, the land in S.No.779/2 belongs to the petitioner's father one Seenithevar and he sold a portion of that land by way of an unregistered sale deed in the year 1993. His father Seenithevar has executed a Will in favour of his brother Balakrishnan and sister Krishnammal to an extent of 2 acres in the year 1995. While so, the 5th respondent has purchased a portion of the property in S.No.779/2 from one Kathammal, W/o.Marimuthu and he is attempting to usurp the property and he has also removed the plantations made by the petitioner, under the guise of survey. The official respondents are also aiding



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the 5th respondent and therefore, the petitioner has approached this Court seeking a mandamus directing the respondents 1 to 4 not to interfere with the civil dispute in S.No.779/2 and also directing the 1st respondent to dispose of the appeal filed by the petitioner under Section 12 of the Patta Pass Book Act.

2.The main contention of the petitioner is that the remaining property in S.No.779/2 is undivided and it has been sold by the wife of one of the petitioner's brother. Based on this, the respondents have removed the papaya trees and are attempting to conduct survey.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that the subject land belongs to the 5th respondent, he purchased the property by way of a registered sale deed and the patta was also transferred in his name. Based on the application of the 5th respondent, the registered document and the patta, the 3rd respondent has directed to conduct survey on the subject property and to identify the boundaries.

4.This Court has considered the rival submissions.



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5.The petitioner has filed this writ petition seeking a mandamus as against the official respondents not to interfere with the civil dispute in S.No.779/2 as if there is a civil dispute. However the learned counsel for the petitioner fairly submits that there is no civil dispute pending on the subject land. Even assuming if any civil suit is pending on the subject property, it is not known why the 3rd respondent should be restrained from conducting survey, when an application is made to conduct survey.

6.Admittedly the patta for S.No.779/2 stands in the name of the 5th respondent. The petitioner has also filed an appeal before the Revenue Divisional Officer, under Section 12 of the Patta Pass Book Act on 01.10.2024, on the same day he has submitted a representation and also has filed this writ petition. Therefore, the petitioner has to work out his remedy only in the appeal filed by him before the RDO. If the petitioner still has any grievance that he is having any right over the subject property, he has to workout his remedy by filing a civil suit before the Court concerned. The petitioner is at liberty to make his objections before the Surveyor.

7.Therefore this Court is not inclined to grant any relief sought for by the petitioner. Accordingly this writ petition is dismissed. It appears that the



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petitioner has filed the appeal only on 01.10.2024 and therefore, the 1st respondent may conclude the proceedings in the appeal filed by the petitioner, if it is taken on file, as expeditiously as possible. No costs. Consequently connected miscellaneous petition is closed.

14.10.2024

Internet : Yes / No

Index : Yes / No

DSK

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