



WP(MD). No.30041 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13/12/2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

WP(MD).No.30041 of 2024

S.Manimaran

... Petitioner

Vs.

1. State Rep. by
the District,Collector,
Dindigul District.

2. State Rep. by
the District Revenue Officer,
Office of the District Revenue Officer,
Dindigul.

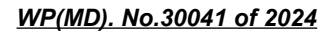
3. State Rep. By,
The Revenue Divisional Officer,
Office of the District Revenue Officer,
Dindigul.

4. The Assistant Director of
Survey and Land Records,
Collectorate Building,Dindigul..

5. The Tasildhar,
Office of the Tashildhar,
Dindigul East Taluk,Dindigul.

6. The Village Administrative,
Officer, Mullipadi Village,
Dindigul East Taluk,
Dindigul District.

1/10



12.Rampriya

... Respondents

For Petitioner : Mr.V.Muthumani
For R1 – R6 : Mr.M.Muthumanikkam
Government Advocate

ORDER

This writ petition is filed for issuance of writ of mandamus directing the third respondent to expedite the enquiry based on the petitioner's representations dated 09.07.2018 and 18.12.2017 and consequently to cancel the patta No. 1663, wrongly issued to the respondents 7 to 12 for the whole extent of 0.29.50 ares i.e., 75 cents instead of 0.12.14 ares i.e., 30 cents in S.No. 262/1 and 2 at Mullipadi village, Dindigul East Taluk, Dindigul District, within the time to be fixed by this Court.



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2. The gravamen of the petitioner's grievance is that erroneous patta was issued to the respondents 7 to 12 for the entire extent of 75 cents in S.No.262/1 and 262/2 at Mullipadi Village, Dindigul East Taluk, Dindigul District, including the petitioner's property. According to the petitioner, one Perumal Naicker, who was the eastern owner of his property, purchased lands to an extent of 30 cents in S.No.262/1 under a registered sale deed dated 14.05.1986. While so, the fifth respondent erroneously issued patta in Patta No.1663 for the entire extent of 75 cents in S.Nos.262/1 and 262/2 including the petitioner's property. On the strength of the erroneous patta, the legal heirs of Perumal Naicker filed O.S.No.598/14 on the file of the District Munsif Court, Dindigul and obtained an exparte decree on 04.07.2015, even without impleading the petitioner herein. Thereafter, the seventh respondent entered into a partition on 05.10.2020 with the other legal heirs of Perumal Naicker. As the legal heirs of Perumal Naicker, the private respondents herein, tried to encroach upon the petitioner's property on the strength of the aforesaid proceedings, the petitioner submitted a representation to the fifth respondent on 26.12.2017, to cancel the erroneous Patta No.1663 issued to them. As no action was taken, the petitioner sent several



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representations and thereafter the third respondent initiated an enquiry.

The petitioner appeared for enquiry and submitted the documents and also his statement. Thereafter, no action was taken and so the petitioner sent several representations and despite the same no action was taken and so the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that though the private respondent's father late Perumal Naicker purchased only 30 cents in S.No.262/1 and 2 in Mullipadi village, Dindigul East Taluk, Dindigul District, Patta No.1663, was wrongly issued for the entire extent of 75 cents including his property. Aggrieved by the issuance of the erroneous patta in favour of the private respondents, the petitioner submitted several representations to the official respondents, who though conducted an enquiry on various dates failed to take the proceedings to its logical end. The learned counsel therefore submitted that the official respondents may be directed to cancel the erroneous patta issued to the respondents 7 to 12 within the time frame to be fixed by this Court.

4. The learned Government Advocate on instructions submits that



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with reference to the petitioner's application, notice was sent on 12.11.2024 for survey and due to the objections of the private respondents, survey could not be conducted. The learned Government Advocate therefore submitted that in spite of the efforts taken by the official respondents, the petitioner's representation could not be disposed of because of the objections of the private respondents.

5. It is seen that the petitioner is agitating the issue right from 2017. In spite of lapse of seven years, the official respondents have not taken the petitioner's representation to its logical end. It is to be noted that before cancellation of patta, survey has to be conducted. The official respondents contend that because of the objections of the private respondents survey could not be conducted. This Court has time and again reiterated the procedure to be followed for conducting survey. In the light of the fact that the petitioner's application for cancellation of patta is pending from 2017, I am inclined to direct the third respondent to conduct survey by complying the following directions:

(I) The petitioner is directed to submit his / her application in on-line mode. The survey authority will scrutinize if the application



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submitted by the petitioner is in order. Patta need not be in the name of the applicant. If patta is in the name of the vendor and mutation has not been effected, still the application can be considered.

(II) The petitioner will have to enclose all the relevant documents such as patta. The applicant must have individual patta in his / her name. If he / she is having joint patta, co-pattadars must give their consent for conducting survey.

(III) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to



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obtain any injunction order, the survey can very well go on.

(VI) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(VII) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(VIII) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(IX) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. If the petitioner wants to put up fencing and if there is any objection from any private party, fencing can be put up only after the petitioner obtains decree from the jurisdictional Civil Court.

(X) The survey authority will conclude the entire



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exercise one way or the other within a period of six weeks after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties.

6. Subject to the result of the survey, the third respondent is directed to pass orders on the petitioner's representation dated 26.12.2017 on merits and in accordance with law, within a period of four weeks thereafter.

7. Accordingly, this writ petition is disposed of. No costs.

13.12.2024

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



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TO,

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1. The District Collector,
Dindigul District.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Dindigul.
3. The Revenue Divisional Officer,
Office of the District Revenue Officer,
Dindigul..
4. The Assistant Director of
Survey and Land Records,
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5. The Tasildhar,
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Dindigul East Taluk,
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6. The Village Administrative Officer,
Mullipadi Village,Dindigul East Taluk,
Dindigul District.



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N.MALA, J

CM

**ORDER
IN
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Date : 13/12/2024