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W.P.No.2366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2366 of 2025

P.Govindaraji

...Petitioner

Vs.

The State, Rep by its

- 1.The District Collector
Office of the District Collector
Salem - 636 001.
- 2.The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Salem Division, Salem - 636 005.
- 3.The Tahsildar (Salem West)
Office of the Tahsildar (Salem West)
Sooramangalam, Salem - 636 005.
- 4.The Surveyor of Lands
Office of the Tahsildar (Sales West)
Sooramangalam
Salem - 636 005.

...Respondents



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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 19.12.2024 in accordance with law to conduct a survey of the property (Survey No.25/23A, Patta No.280, Veerapandi Union, Perumampatti Village), delimit its boundaries by confirming the petitioner's rightful ownership and to issue a separate patta for the entire $8\frac{3}{4}$ cents of land, free from any encroachment.

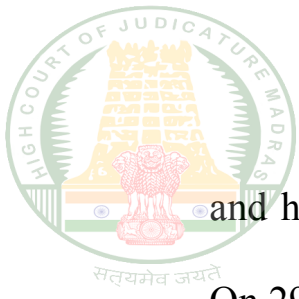
For Petitioner : Ms.D.Mario Johnson

For Respondents : Mr.R.P.Murugan Raja [R1 to R4]

ORDER

The above writ petition has been filed seeking a mandamus to the respondents to consider the petitioner's representation dated 09.12.2024 to survey the property admeasuring an extent of $8\frac{3}{4}$ cents in Survey No.25/23A, Patta No.280, Veerapandi Union, Perumampatti Village.

2. The case of the petitioner is that the aforementioned subject property is his ancestral property, which was jointly enjoyed by him



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and his two sisters, after the demise of his father late Palani Gounder.

On 29.10.2018, his two sisters relinquished their shares in favour of the petitioner by a registered release deed and thereafter, the petitioner was in uninterrupted possession and ownership of the subject property for over 20 years and that the petitioner had constructed a house and had been residing there with his family. However, sometime in 2023, a portion of his property was encroached by a politically connected person, for which a complaint was lodged before the Veerapandi Union and Revenue authorities, but no response. Hence, he had submitted a representation to the third respondent on 20.03.2023 for issuance of patta for $8\frac{3}{4}$ cents of land in Survey No.25/23A, Patta No.280, Veerapandi Union, Perumampatti Village. The authorities informed the petitioner that $0.01\frac{1}{4}$ cents of lands had been converted into a cement road and that a separate patta would be issued for the remaining $0.07\frac{1}{2}$ cents of lands. To ascertain the same, he made an application to the Public Information Officer under Right to Information Act, who by its response dated 26.09.2023 confirmed that no resolution had been passed by the Panchayat Union or Grahma



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Panchayat authorizing construction of road on a portion of petitioner's property. This was even confirmed by the responses of RTI dated 15.02.2024, 21.03.2024 and 11.06.2024.

3. Thereafter, the petitioner made a representation on 09.12.2024 to the respondents seeking to conduct survey of the petition mentioned property, in order to delimit the boundaries by confirming his rightful ownership over the property and issue patta for the same. His request has not evoked any response till date. Hence, the petitioner is before this Court.

4. Heard the learned counsels on the either side and perused the records. The above narration clearly demonstrates that the respondents have failed to discharge their statutory duty.

5. Considering the facts and circumstances of the case, a mandamus is issued to the respondents to conduct survey of the petition mentioned property and to fix the boundary stones. The



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petitioner shall submit all the relevant records to show his title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is allowed. No costs.

31.01.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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P.T. ASHA, J.

ds

W.P.No. 2366 of 2025

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