



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.9288 of 2021
and WMP No.9857 of 2021

N.Soundararajan

..Petitioner

Vs.

1. The Assistant Director of Survey and Land records,
Collector Office,
Villupuram – 605 602
2. The District Collector,
Office of the District Collector,
Villupuram District,
Villupuram.
3. The Revenue Divisional Officer cum Sub Collector,
Sub-Collector,
Tindivanam, Villupuram District.
4. The Tahsildar,
Gingee Taluk, Villupuram.
5. C.Yegambaram (Deceased)
6. Sadachi



7. E.Ezhumalai

8. Thensuvai

9. Mekanathan

[R6 to R9 impleaded as legal heirs of
Deceased 5th respondent vide order dated 23.01.2023
made in WMP No.32119 of 2022 in WP No.9288 of 2021
by RSKJ]

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioner dated 12.02.2021 for re-survey of lands in Survey No.80/7 at Thatchampattu Village, Gingee Taluk, Villupuram District and consequently issue revised patta for the lands and consequently, for a direction to the respondents 1 to 4 to keep in abeyance patta issued with respect to Survey No.80/7 at Thatchampattu Village, Gingee Taluk, Villupuram District, pending disposal of the writ petition.

For Petitioner : Mr.K.Balaganesh
For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1 to R4
R5 – Died
R6 to R9 – No appearance

ORDER

This writ petition has been filed for the issue of writ of Mandamus



directing the 3rd respondent to consider the representation made by the petitioner on 12.02.2021 wherein the petitioner is seeking for the survey of the property in Survey No.80/7, Thatchampattu Village, Gingee Taluk, Villupuram District and to issue patta to the petitioner with respect to the extent of property, which is owned and enjoyed by the petitioner.

2. Heard Mr.K.Balaganesh, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 4.

3. The case of the petitioner is that Survey No.80/7 measures a total extent of 1.61 acres. The grand father of the petitioner sold the entire extent of land in favour of Appavu and Kuppusamy through sale deed dated 25.03.1960. Later, the grand father of the petitioner purchased an extent of 80 ½ cents through a sale deed dated 25.05.1967 and the balance 80 ½ cents was purchased by the father of the 5th respondent through a Sale deed dated 02.09.1969. Thereafter, there was some dispute among the family members, which resulted in filing a suit in OS No.267 of 2002 before the Additional District Court, Gingee, seeking for the relief of declaration and possession of the entire extent



of 1.61 acres. Ultimately, it is contended on the side of the petitioner that the petitioner is entitled for 80 ½ cents and the 5th respondent is entitled for the balance of 80 ½ cents.

4. The grievance of the petitioner is that the patta that was issued in favour of the 5th respondent shows the survey number as Survey No.80 /7C and it has been given for 50 Ares which works out to 1.23 acres. That apart, another patta has been obtained by the 5th respondent for Survey No.80/7D for another 32 ares. According to the petitioner, no sub-division had taken place in the property and inspite of the same, patta has been issued to the 5th respondent by mentioning the sub-division and that apart, the patta has been issued for a larger extent of property than what the 5th respondent was entitled to.

5. The petitioner made a representation in this regard to the 3rd respondent seeking for the survey of the lands in the entire survey No.80/7 and for revising the patta that has been issued in favour of the 5th respondent. Since the same was not considered, the present writ petition has been filed before this Court.



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6. Taking into consideration the limited scope of the dispute between the petitioner and the 5th respondent touching upon the extent of property in Survey No.80/7 and which is borne out by records, it will suffice if a direction is issued to the 3rd respondent to deal with the representation made by the petitioner on 12.02.2021 on its own merits and in accordance with law after affording an opportunity to the respondents 6 to 9 (these respondents were impleaded since the 5th respondent died during the pendency of this writ petition). Appropriate orders shall be passed by the 3rd respondent within a period of eight weeks from the date of receipt of the copy of this order.

7. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

05.02.2025

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
rka



To

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N. ANAND VENKATESH, J.
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