



W.P.(MD) No.15366 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.15366 of 2023

and

W.M.P(MD)No.12958 of 2023

V.Sethuraman

... Petitioner

vs.

1.The District Collector,
Sivagangai.

2.The Tahsildhar,
Devakottai.

3.The Assistant Director of Survey and Settlement,
Sivagangai.

4.Nachaangulam Village Panchayat,
Through its President,
Nachankulam,
Devakottai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings dated 05.05.2023 in Na.Ka.No.A2/3995 (39)/2023 of the second respondent and dated 06.06.2023 in O.Mu.A5/1070/2023 of the third



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respondent, refusing to survey the lands in New S.No.207/40 old S.No.40/21 part measuring 0.0065 hectares, Nachaankulam Group, Devakottai Taluk, belonging to the petitioner and quash the same and consequently direct the respondents to survey, demarcate and fix boundaries for the said lands.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 to R3

ORDER

The petitioner challenges the impugned order of the second respondent rejecting the petitioner's application for conducting survey of the petitioner's property in S.No.207/40.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3.The learned counsel for the petitioner would invite my attention to the impugned order passed by the second respondent on 06.06.2023 rejecting the petitioner's request for conducting survey on the ground that the patta has been



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mutated in the name of one Karuppayi W/o Raman in S.No.58/3 in Patta No.219 and therefore, the survey cannot be undertaken as requested by the petitioner. The learned counsel for the petitioner would submit that the reference to Patta No.219 was UDR patta and not natham patta, in respect of which alone the petitioner claims right and also the survey. The other reason given by the Tahsildar is that the survey register contains only upto S.No.206 and there is no such S.No.207/40. However, the learned counsel for the petitioner would invite my attention to the copy of patta, which is enclosed in the typed set of papers. It has been issued by the Tahsildar, Devakottai, which mentions the new survey number as 207/40 and old S.No.40/21 part. The learned counsel for the petitioner would also invite my attention to the communication of the Sub Collector, Devakottai, in Na.Ka.No.A2/7264/2024, dated 20.01.2025, where, the Sub Collector, has directed the production of records in respect of S.No.40/21 (old S.No.207/40) for processing the petitioner's application.

4.In view of the above, the impugned order is set aside and the matter is remitted to the second respondent for fresh consideration of the petitioner's application for survey, after satisfying himself about the genuineness of Patta No.



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219, which has been relied on by the petitioner pertaining to natham patta in S.No.207/40, old S.No.40/21 part. On being satisfied with the genuineness of Patta No. 219, on which the petitioner places reliance, the official respondents shall conduct and issue a survey report to the petitioner. The entire exercise shall be carried out within a period of twelve weeks the date of receipt of a copy of this order.

5.Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1.The District Collector,
Sivagangai.

2.The Tahsildhar,
Devakottai.



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WEB COPY 3.The Assistant Director of Survey and Settlement,
Sivagangai.



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P.B.BALAJI, J.

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