



W.P.(MD)No.23663 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.23663 of 2023

and

W.M.P(MD)No.19832 & 19833 of 2023

1.Ganesan
2.Subramaniyan

... Petitioners

/Vs./

1.The District Revenue Officer,
Karur,
Karur District.

2.The Revenue Divisional Office,
Kulithalai,
Karur District.

3.The Tahsildar,
Kulithalai,
Karur District.

4.Perumal
5.Kathan
6. Ilangiyam
7.Aandichi
8.Ramalingam

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed by the first respondent in Pa.Mu.C1/4663/2023 dated 14.08.2023 and to quash the same as illegal and further direct the respondent to restore the name of the petitioners herein as patta holders for the property under S.No.8/1, situated at Pulutheri Village, Kulithalai Taluk, Karur District and further direction to direct the respondent to issue patta in the name of the petitioner as joined patta along with other patta holders.

For Petitioner : Mr.K.R.Laxman
For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

I have heard the learned counsel appearing for the petitioners and Mr.B.Saravanan, learned Additional Government Pleader appearing for the official respondents 1 to 3.

2. The petitioners challenge the impugned order of the District Revenue Officer in Pa.Mu.C1/4663/2023, dated 14.08.2023.

3. The learned counsel for the petitioners would seek for matter being remitted for the simple reason that the petitioners' grandmother had



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purchased the property wayback in the year 1955 by a registered sale deed, where, the property purchased is bounded by four definite boundaries. However, the survey number has been wrongly mentioned as 18/1 instead of 8/1.

4. It is the specific case of the petitioners that the property is only comprised in survey No.8/1, Pulutheri Village, Kulithalai Taluk, Karur District and not survey No.18/1. The counsel for the petitioner therefore submit that when the impugned order has been passed only on the ground that the petitioners sale deed contains an incorrect survey No.18/1, mutation of patta cannot be granted as prayed for. It would suffice to set aside the impugned order and direct the first respondent to call for a report from the third respondent regarding the lay of the petitioners property as set out in the sale deed dated 24.08.1955 with reference to four boundaries mentioned therein and thereafter, identify the correct survey number of the said property which is bounded on four definite sides of the said property is comprised in survey No.8/1, then the petitioner is entitled to the necessary corrections and issuance of patta as sought for.



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5. Therefore, the exercise of carrying out a physical inspection of the petitioners property and ascertaining the boundaries and the correct survey number in the presence of the petitioner and the private respondents would give a quietus to the dispute between the parties.

6. In view of the above, the writ petition is allowed and the matter is remitted to the first respondent to direct a survey/inspection to be carried out by the third respondent, after giving advance notice to the petitioners as well as respondents 4 to 8, who shall ascertain the exact location of the petitioners property based on the four boundaries mentioned in the sale deed dated 24.08.1955 and find out whether the said property is comprised in survey No.8/1 or not. If the property is comprised only in survey number 8/1, then the private respondents may not have any issue since they are claiming right only in respect of survey number 18/1. Subject to the report received from the third respondent, the first respondent shall pass final orders after hearing the petitioner as well the private respondents. The entire exercise shall be carried out within a period of sixteen weeks from the date of receipt of a copy of this



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7. In view of the above, the writ petition is allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

NCC : Yes / No

am

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To

1.The District Revenue Officer,
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Karur District.

2.The Revenue Divisional Office,
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Karur District.

3.The Tahsildar,
Kulithalai,
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P.B. BALAJI, J.

am

Order made in
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