



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.08.2015**

CORAM

THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD) .No.14073 of 2015

P.Vellachamy

...Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Tahsildar,
Melur Taluk,
Madurai District.

3.The Head Surveyor,
Tahsildar Office,
Melur,
Madurai. District.

... Respondents

This Writ Petition has been filed praying for a Writ of Mandamus directing the second and third respondents to conduct survey of petitioner's property comprised in Old Survey No.378 and New Survey No.378/1, 378/2 A1, 2A2, 2A3, 2A4, 2A5, 2A6 covered under patta No.3252 measuring a total extent of 8 acres 92 cents, situated at Kidaripatti Village, Melur Taluk, Madurai District on the basis of the petitioner's application, dated 27.07.2015 within a stipulated time.

For petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.M.Murugan,
Government Advocate(Crl. Side)

ORDER

This Writ Petition has been filed praying for a Writ of Mandamus directing the second and third respondents to conduct survey of petitioner's property comprised in Old Survey No.378 and New Survey No.378/1, 378/2 A1, 2A2, 2A3, 2A4, 2A5, 2A6 covered under patta No.3252 measuring a total extent of 8 acres 92 cents, situated at Kidaripatti Village, Melur Taluk, Madurai District on the basis of the petitioner's application, dated 27.07.2015 within a stipulated time.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.
<https://hcservices.ecourts.gov.in/hcservices/>

4. In the affidavit filed in support of this Writ Petition, it has been averred that the property comprised in old survey No.378 and new



survey No.378/1, 378/2A1, 2A2, 2A3, 2A4, 2A5, 2A6 covered under patta No.3252 measuring a total extent of 8 acres 92 cents situated at Kidaripatti Village, Melur Taluk, Madurai District belongs to the petitioner and he decided to fence his property by fixing survey stones to ensure that there is no trespass or encroachment on the property. Hence, he submitted an application to the second respondent and he has also paid necessary fees for the same. But the second respondent did not take any steps to conduct survey in respect of the petitioner's land. Hence, the petitioner has come forward with this petition for the above stated relief.

5. The learned Government Advocate submitted that in the patta, the name of other legal heirs of late.Perappa Konar, ie., the father of the petitioner have also mentioned, but the petitioner, has not added them as parties.

6. In view of the order going to be passed by this Court, I am of the opinion that there is no need for the presence of the other legal heirs before this Court.

7. Considering the submission of the petitioner, the third respondent is directed to consider the application of the petitioner, dated 27.07.2015, and pass appropriate orders on merits and in accordance with law after giving due opportunity to all the legal heirs of late.Perappa Konar and all other necessary parties if any, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also directed to furnish the particulars of the other legal heirs to the third respondent.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Madurai.

2.The Tahsildar, Melur Taluk, Madurai District.

3.The Head Surveyor, Tahsildar Office, Melur, Madurai. District.

+1cc to M/S.B.Jameel Arasu, Advocate in SR.No 44995

+1cc to Special Government Pleader in SR.No. 45208.

TS/19.08.2015/2P - 6C KBM/SAR -II