



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2016

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CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition(MD)No.16328 of 2014

1.R.Veerachinnu

2.R.Ramakkal

... Petitioners

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to survey and to fix the boundaries of the properties of the petitioner at Survey No.447, 438/2, 449/1 and 20/5 of Kanavaipatti Village, Dindigul East Taluk, Dindigul District by considering the representation of the petitioner dated 23.06.2014.

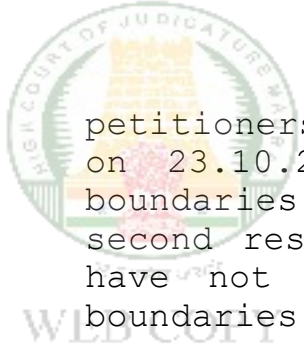
For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.Aayiram K.Selvakumar
Govt. Advocate

O R D E R

The petitioners seek for a Mandamus directing the respondents to survey and to fix the boundaries of their properties situated at Survey No.447, 438/2, 449/1 and 20/5, Kanavaipatti Village, Dindigul East Taluk, Dindigul District, by considering their representation dated 23.06.2014

2. The case of the petitioner is that they are the owners of the properties in Survey Nos.447, 438, 449/1 and 20/5 in Kanavaipatti village, Dindigul District, by virtue of the registered sale deed dated 10.04.1997. The petitioners also submit that a patta has been given in the name of petitioners, as possession and enjoyment of the properties in question. Since the petitioners wanted to divide the properties into two portions and effect partition, it is submitted by the



petitioners that they made an application to the second respondent on 23.10.2013 for measurement of the properties and fix the boundaries. Though the petitioners paid fees as required by the second respondent, according to the petitioners, the respondents have not come forward to measure the properties and fix the boundaries in accordance with the sale deed.

3. Though the petitioners say that no prejudice would be caused to any one by issuing a direction to respondents as prayed for, the second respondent has filed a counter affidavit stating that some third parties have given objection for measurement and fixation of the boundaries being undertaken by the respondents. It is also stated by the respondents that the patta relied upon by the petitioners is not the exclusive patta and apart from the names of the petitioners, the names of third parties are also there.

4. Having regards the stand taken by the second respondent in the counter affidavit, this Court feels that it is appropriate to dispose of the writ petition with the following directions:-

The second respondent is directed to consider the petitioners' representation dated 23.06.2014 and further representation in the light of the sale deed and patta that was given to the petitioners, after hearing the persons, who have objections or rival claim with regard to the lands, which are the subject matter of the petitioners' representation and do the needful in accordance with law and on merits, within a period of eight weeks from the date of receipt of a copy of this order.

No order as to costs.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

- 1.The District Collector, Dindigul District.
 - 2.The Tahsildar, Dindigul East Taluk, Dindigul District.
- +1CC to M/S. S.C.Herold Singh, Advocate, SR.No. 41709
+1CC to the Special Government Pleader, SR.No. 41879

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