



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.06.2016

CORAM

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P(MD)No.10318 of 2016

R.Palsamy

.. Petitioner

Vs

1.The Tahsildar,
Sivakasi Taluk.

2.The Head Surveyor,
Koppayanaickenpatti Village,
Sivakasi Taluk.

.. Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to measure the Petitioner's property in S.No.308/6 and 308/15 of Vendu Rayapuram Village, and issue separate patta by sub-dividing the property within the time frame fixed by this Court.

For Petitioner : M/s.Lakshmi Gopinathan
for Polax Legal Solutions

For Respondents : Mr.J.Gunaseelan Muthiah
Govt.Advocate.

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.The plea of the Petitioner is that they have their ancestral property in Vendu Rayapuram Village in S.No.308/6, measuring to an extent of 36 cents and in S.No.308/15, measuring to an extent of 19 cents. He and his brothers Nallathambi, Veerapathiran and their mother Vellayammal and sisters Chellammal and Veerammal are the co-parcenors of the said land and they have been in possession of the said land from the period of their grand-father.



4. It comes to be known that in respect of the said property, one Rangalwar Naicker along with his brother and father staked claim over the property and was constrained to file a civil suit in O.S.78 of 1997, on the file of the learned District Munsif, Sivakasi, which came to be dismissed. Later, the Petitioner and others preferred an appeal in A.S.No.30 of 2000 before the Sub-Court, Sivakasi and the appeal was allowed by declaring the aforesaid property to be their property. The judgment in the appeal was delivered on 30.7.2001 which became final and conclusive and binding between the parties *inter-se* concerned.

5. The Petitioner had made several representations to the respondents praying for sub-dividing the property after measuring the same and issue patta to them. The respondents had not taken any steps to measure the property. At last, the Petitioner made representation on 30.3.2015 and paid necessary fee for the fourth item to measure and to sub-divide the property.

6. It is to be noted that the Firka Surveyor (in-charge) of Ethirkottai Village issued a notice to the Village Administrative Officer, Vendu Rayapuram, Paulsamy of Malliputhoor, Jeyaraj @ Thiagarajan of Koppanaickenpatti and specifically mention that the land would be measured on 4.11.2015 at about 10.30 A.M and required the Petitioner and other nearby land owners to appear without fail with necessary documents etc. Till date, no much headway had taken steps in the subject-matter in issue and at last, the Petitioner has filed the present Writ Petition before this Court.

7. In view of the fact that nothing tangible had transpired after issuance of notice to the Firka Land Surveyor of the office of the Tahsildar, Sivakasi, till date, this Court, at this stage, without dwelling into the merits and contents of the representation of the Petitioner, dated 28.3.2016 with an open, free, unbiased and fair mind and that too, in a dispassionate manner and to dispose of the representation by passing a reasoned speaking order within a period of four weeks from the date of receipt of a copy of this Court (of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit). It is abundantly made clear that if the respondents come to a resultant conclusion that the Petitioner's representation, dated 28.3.2016 deserves requisite consideration in regard to the measurement of the property in S.No.308/6 and 308/15 of Vendu Rayapuram Village, Sivakasi Taluk, Virudhunagar District, then they have to act with diligent and got speed in ~~the matter in issue and to the needful in favour of the~~ Petitioner within the time determined by this Court as states *supra*. The Petitioner is directed to lend a helping hand,



assistance and co-operation to the respondents in regard to the measurement of land in S.Nos.308/6 and 308/15 of Vendu Rayapuram Village, Sivakasi Taluk, Virudhnagar District and if any copies of the documents/records are required by the Respondents from the Petitioner, then the Petitioner is at liberty to submit the copies of the said records/documents to the Respondents so as to facilitate them to dispose of the representation of the Petitioner dated 28.3.2016 and to do the needful in the subject matter in issue, without prolonging the matter any further.

8. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Sivakasi Taluk.

2. The Head Surveyor,
Koppayanaickenpatti Village,
Sivakasi Taluk.

+1cc to M/s. Polax Legal Solutions, Advocate Sr.No.29907

+1cc to Spl. Government Pleader Sr.No.29815

vsn

AA/ARK-PV/21.06.2016/3p-5c

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