



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.15568 of 2016

S.Murugusundaran

.... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director of Settlement,
O/o.the Assistant Director of Settlements,
Collectorate Campus, Madurai 625 020.

3.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil 629 002,
Kanyakumari District.

4.The Assistant Executive Engineer,
Public Works Department,
Water Resources Division,
Palayaru Vidinilam,
Sub Division, Nagercoil,
Kanyakumari District.

5.The Assistant Director,
District Land Surveyor Office,
Nagercoil, Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd and 5th respondents to implement the proceedings in Na.Ka.No.A4/717/2016 dated 11.05.2016 and consequently issued patta to the petitioner.

For Petitioner
For Respondents

: Mr.T.Selvakumaran
: Mr.J.Gunaseelan Muthiah,
Government Advocate.

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

This writ petition has been filed for the issuance of a writ of mandamus, to direct the respondents 3 and 5 to implement



the proceedings in Na.Ka.No.A4/717/2016, dated 11.05.2016 and consequently issue patta to the petitioner.

2. According to the petitioner, an extent of three cents of land comprised in Old Survey No.1104-B, R.S.No.L3/16 of Vadiveeswaram Village, Agasteeswaram Taluk, Kanyakumari District belongs to his father Late.Srinivasan who died on 23.05.1998 leaving behind the petitioner and his brother as his legal heirs. After getting building plan approval from the Municipality, he has put up a construction and paid necessary tax. During resurvey by the Survey Department, without any notice to the petitioner or his father, the above said land has been classified as road poramboke and has given resurvey as L3/16. After coming to know about the same, the petitioner's father filed a suit in O.S.No.1088 of 1993 on the file of the Additional District Munsif Court, Nagercoil against the Assistant Director of Settlement, Madurai to direct the second respondent to correct wrong resurvey measurement in respect of the property in question and grant patta. The above said suit was decreed on 13.06.1994. Based on the above said decree, the petitioner's father himself sent several representations to comply with the decree of the Civil Court. Since no action has been taken, the petitioner sent another representation dated 04.01.2016 which is still pending. Therefore, the petitioner has approached this Court by way of this writ petition seeking for the relief stated supra.

3. Admittedly, there is a decree in favour of the petitioner to correct the wrong resurvey number assigned during survey. Further, there is no appeal against the said decree, therefore, the said decree has become final. In the above circumstances, the fifth respondent is directed to consider decree passed in O.S.No.1088 of 1993 on the file of the Additional District Munsif Court, Nagercoil on 13.06.1994 and pass appropriate orders on the representation of the petitioner dated 04.01.2016, within a period of six weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar

sms

To

1. The District Collector,
Kanyakumari District,
Nagercoil.

<https://hcservices.courts.gov.in/hcservices/>



2.The Assistant Director of Settlement,
O/o.the Assistant Director of Settlements,
Collectorate Campus, Madurai 625 020.

3.The Tahsildar,
Agasteeswaram Taluk,
Nagercoil 629 002,
Kanyakumari District.

4.The Assistant Executive Engineer,
Public Works Department,
Water Resources Division,
Palayaru Vidinilam,
Sub Division, Nagercoil,
Kanyakumari District.

5.The Assistant Director,
District Land Surveyor Office,
Nagercoil, Kanyakumari District.

+1cc to Mr.T.Selvakumaran, Advocate Sr.No. 55073

+1cc to Spl.Government Pleader Sr.No. 54714

JAM/19.10.16/SS2/3P-8C

Writ Petition (MD) No.15568 of 2016

21.09.2016