



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD).No.9936 of 2016

Vellaisamy

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Devakottai Taluk,
Sivagangai District.

2.The Taluk Surveyor,
Devakottai Taluk,
Sivagangai District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to measure the lands measuring 3 cents in survey No. 35/1B2 and 27 cents in survey no. 36/1A1 situated in Sirumarudhur Village, Devakottai Taluk, Sivagangai District, based on the patta No. 1290 within the stipulated period and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner :Mr.K.Rajeswaran

For Respondents :Mr.S.Kumar

Additional Govt. Pleader for R-1 & R-2

ORDER

Heard both sides.

2. By consent, the main writ petition itself is taken up for disposal.

3. According to the petitioner, the land measuring 1 acre 52 cents in Sy.No.35/1 and 65 cents in Sy.No.36/1 in Sirumarudhur Village, Devakottai Taluk, Sivagangai District are originally belonged to him ancestrally. He sold an extent of 48 cents of southern side in Sy.No.35/1 and 32 cents of Sy.No.36/1 to one Karupppian, S/O.Kalimuthan Ambalam through sale deed dated 21.03.1977. Subsequently, the said Karupppiah sold the properties



(more than the properties purchased by him from the petitioner) and executed a sale deed dated 07.02.1990 in favour of one Muthu and Bose. As a matter of fact, patta was granted in favour of the petitioner vide patta No.1290 for the remaining lands, which are in his absolute possession and enjoyment.

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4. The plea of the petitioner is that the said Muthu and Bose, s/o.one Kasi with an intention to grab his property filed a suit in O.S.No.48 of 2011 on the file of the Learned District Munsif, Devakottai and the said suit was contested by him and subsequently, the said suit was partly decreed in respect of the properties purchased by the said Muthu and Bose and vendor Karuppiyah. Insofar as the remaining properties, the suit was dismissed on 09.06.2014 in favour of the petitioner. As against the judgment and decree of the trial court, the said Muthu and another filed A.S.No.25 of 2014 before the Sub-Court, Devakottai and the appeal was dismissed on 25.04.2016. The matter has become final and conclusive between the parties.

5. The real grievance of the petitioner is that he gave a representation dated 28.04.2016 addressed to the first respondent/Tahsildar, Taluk Office, Devakottai Taluk, Sivagangai District, making a request to measure the lands based on patta No.1290. The said representation was received on 28.04.2016. However, no action is taken as on date in the subject matter in issue. Hence, the petitioner has filed the present writ petition.

6. In view of the fact that the relief sought for by the petitioner is limited in nature, viz., to consider his representation (this Court in the interest of Justice and Fair Play), directs the first respondent/Tahsildar, Taluk Office, Devakottai Taluk, Sivagangai District, to look into the representation of the petitioner dated 28.04.2016 and to do the needful in the subject matter in issue. The first respondent shall pass necessary orders on merits on the representation of the petitioner dated 28.04.2016 within a period of four weeks from the date of receipt of a copy of this order. The first respondent shall also issue necessary directions to the second respondent/Taluk Surveyor, Devakottai Taluk to measure the lands bearing an extent of 3 cents in survey No. 35/1B2 and 27 cents in survey no. 36/1A1 situated in Sirumarudhur Village, Devakottai Taluk, Sivagangai District, based on the patta No. 1290 within the time granted by this court. It is open to the petitioner to produce/submit necessary copies of documents like judgment and decree of the trial court in O.S.No.48 of 2011 and A.S.No.25 of 2014 on the file of the Sub-Court, Devakottai before the first respondent/Tahsildar, Taluk Office, Devakottai Taluk, Sivagangai District, who shall take into account the same at the time of disposing of the representation of the petitioner dated



28.04.2016. The petitioner is directed to render unstinted co-operation and assistance to the first respondent so as to enable him to dispose of the representation dated 28.04.2016.

7. With the aforesaid direction/observation, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

VS

To

1.The Tahsildar, Taluk Office,
Devakottai Taluk, Sivagangai District.

2.The Taluk Surveyor, Devakottai Taluk,
Sivagangai District.

+1CC to Mr.K.Rajeshwaran, Advocate Sr.No.28170

+1CC to Spl.Government Pleader Sr.No.28287

GJM/SKS/RR/13.6.16-3p-5C

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