



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.10248 of 2017

T.Santhanakaruppu

... Petitioner

Vs.

1.The Tahsildar,
Madurai North taluk,
Madurai North taluk office,
Madurai District.

2.The Head Surveyor,
Madurai North Taluk,
District Collector Office Campus,
Madurai District
Madurai.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey and mark the boundaries the petitioner's land in Survey No: 201/15B,201/17A,201/7D3 situated in Thenur village, Madurai North Taluk, Madurai District based on the application dated 10.04.2017 and the subsequent representation dated on 19.04.2017 within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader

O R D E R

The writ petition has been filed to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey and mark the boundaries the petitioner's land in Survey No: 201/15B,201/17A,201/7D3 situated in Thenur village, Madurai North Taluk, Madurai District based on the application dated 10.04.2017 and the subsequent representation dated on 19.04.2017 within a stipulated time that may be fixed by this Hon'ble Court.

2. The learned counsel for the petitioner submitted that the petitioner has produced the patta to show that his father was given patta for the lands in possession. The petitioner has produced a legal heirs certificate indicating that he is one of the legal heirs to his father. The legal heir certificate produced by the petitioner indicates that the other brothers of the



petitioner are no more. Unfortunately, the legal heir of the petitioner's brothers who are no more have not been shown as the legal heirs of the petitioner's father. Hence the first and second respondents are required to issue notice to all the legal heirs of the petitioner's brothers who are no more. Since the representation and the request of the petitioner is also for fixing the boundaries of the petitioners land in several survey numbers, the respondents are also required to conduct further enquiry after issuance of notice to all the neighbouring land owners.

3. Having regard to the facts directed any opinion of the petitioner's representation, the facts stated by the petitioner in the affidavit filed in support of the writ petition is found correct, this Court is inclined to issue the following order

4. The first respondent and the second respondent are directed to consider the petitioner's application, dated 10.04.2017 and the subsequent representation of the petitioner, dated 19.04.2017 and take appropriate action on merits and in accordance with law after affording reasonable opportunity to the petitioner as well as the other legal heirs of the petitioner's father as well as the neighbouring land owners, after holding full fledged enquiry within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

To

1.The Tahsildar, Madurai North taluk,
Madurai North taluk office, Madurai District.

2.The Head Surveyor, Madurai North Taluk,
District Collector Office Campus, Madurai District
Madurai.

+1CC to M/S.R.Karunanidhi, Advocate, SR.No. 58404

+1CC to the Special Government Pleader SR.No. 58567

ORDER MADE IN

W.P. (MD).No.10248 of 2017