



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.12574 of 2017

S.Ponnappan

...Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

...Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents to provide the Petitioner the Survey Certificate and the Sketch for Survey No.344/33 0.3.00 Ares in Patta No.280 and Survey No.344/56 0.4.00 Ares in Patta No.265 situated in Chettiarpatti Village in Rajapalayam Taluk Virudhunagar District.

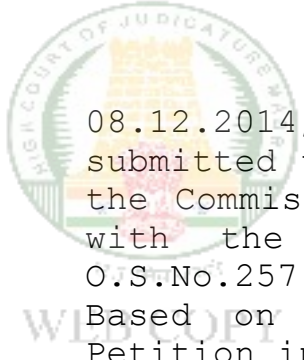
For Petitioner : Mr.V.Santhakumaresan

For Respondents : Mr.C.Selvaraj
Special Government Pleader

O R D E R

This writ petition is filed seeking for the issuance of a Writ of Mandamus directing the respondents to provide the Survey Certificate and the Sketch for Survey No.344/33, 0.3.00 Ares in Patta No.280 and Survey No.344/56, 0.4.00 Ares in Patta No.265 situated in Chettiarpatti Village in Rajapalayam Taluk, Virudhunagar District to the petitioner.

2.Mr.Santhakumaresan, learned counsel appearing for the petitioner would submit that the petitioner became the absolute owner of the property by virtue of settlement deed, dated



08.12.2014, in respect of the land referred supra. It is further submitted that since the President of Chettiarpatti Panchayath and the Commissioner of Rajapalayam disputed the title and interfered with the possession, the petitioner instituted a suit in O.S.No.257 of 2009, which was decreed in his favour on 20.07.2009. Based on the decree, the petitioner has filed an Execution Petition in E.P.No.69 of 2013.

3.The learned counsel appearing for the petitioner would further submit that the petitioner has applied for Survey Certificate and Sketch to produce them before the Executing Court and also paid required fee on 08.08.2016. But till date, the said certificates and documents have not been furnished so far. Hence, the present writ petition is filed.

4.Mr.C.Selvaraj, learned Special Government Pleader appearing for the respondents would submit that the petitioner has paid fees only for issuance of survey certificate. The survey certificate could be issued only after measuring the property of the petitioner, for which, he has to pay separate fee. If the petitioner pays required fee, the respondents would consider the application of the petitioner.

5.In reply, the learned counsel appearing for the petitioner would submit that the petitioner is ready to pay necessary fee to measure his property.

6.Considering the submissions of the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents, this Writ Petition is disposed of with a direction to the second respondent to consider the application of the petitioner dated 08.08.2016 and representation of the petitioner dated 14.06.2017 and pass appropriate orders on merits and in accordance with law, and issue survey certificate to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

1.The District Collector,
Collectorate Office,
Viruthunagar District,
Virughunagar.



2.The Tahsildar,
Taluk Office,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

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+1cc to Mr.V.Santhakumaresan, Advocate in SR.No.64332
+1cc to Special Government Pleader in SR.No.64560

vsg

AE/MR KKR/SAR3/21.07.2017/3P/5C

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