



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM**W.P. (MD) No. 6917 of 2016**

WEB COPY

Senthilnathan

... Petitioner

-Vs-

1. The Tahsildar,
Karaikudi,
Sivagangai District.

2. The Taluk Surveyor,
Karaikudi,
Sivagangai District.

3. S.Raman

... Respondents

(R3 is impleaded vide order of this Court
made in WMP.(MD).No.7127/2016,
dated 21.06.2017 by MKKSJ)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to survey the lands and fix boundary stones in respect of Survey No.151/4 situated at Varivayal Village, Varivayal Group, Poiyaloor Panchayat, Kallal Union, Karaikudi Taluk, Sivagangai District within a time frame to be stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For RR 1 and 2 : Mr.D.Muruganandham
Additional Government Pleader

For R3 : Mr.V.Rajiv Rufus

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to survey the lands and fix boundary stones in respect of Survey No.151/4, situated at Varivayal Village, Varivayal Group, Poiyaloor Panchayat, Kallal Union, Karaikudi Taluk, Sivagangai District within a time.

2. According to the petitioner, he had purchased the land to an extent of 1.88 acres in Survey No.151/4 at Varivayal Village, through Registered sale deed, dated 28.06.2011, vide Document NO.1620/2011. Since then, he has been in enjoyment of the property. Patta was also issued in his favour by a proceedings of



the first respondent, dated 09.06.2012. The petitioner would further state that since his neighbours caused hindrance, he approached the respondents to fix boundary stones. Since it was not considered, the present Writ Petition is filed.

3. Mr.Rajiv Rufus, learned counsel for the third respondent would submit that the third respondent has already approached the District Registrar, Karaikudi Registration District to cancel the sale deed executed in favour of the petitioner, dated 28.06.2011, which was also cancelled by the District Registrar. It is further contended that the third respondent is in possession and the land is under his cultivation.

4. Mr.S.Malaikani, learned counsel for the petitioner would submit that the petitioner has been in continuous possession and enjoyment of the property since 2011 and the dispute of title between the petitioner and the third respondent could be decided only by the competent Civil Court. Till such time, *status quo* can be maintained.

5. Heard Mr.D.Muruganandham, learned Additional Government Pleader and perused the records.

6. Considering above submissions, this Writ Petition is disposed of giving liberty to the petitioner and the third respondent to approach the competent Court to decide their rights over the property. After the title is decided, the petitioner can approach the authority for redressal of his grievance.

7. Accordingly, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Karaikudi, Sivagangai District.

2. The Taluk Surveyor,
Karaikudi, Sivagangai District.

+1 CC to Mr. S.MALAIKANI, Advocate, SR No. 61282.

+1 CC to Mr.V.RAJIV RUFUS, Advocate, SR No. 61330.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 61481

PSD/PJL

PSM/JC/SAR2/10.07.2017/2P/6C