

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.26287 of 2017

N.Veerasamy

...Petitioner

vs.

1. The District Collector
Kancheepuram District
Kancheepuram.
2. The Tahsildar
Sriperumbudur Taluk
Sriperumbudur
Kancheepuram District.
3. V.Arumugam

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the second respondent to demarcate the boundaries in respect of property as described in the sale deed dated 04.02.1958 in Document No.328/1958 on the file of S.R.O. Sriperumbudur and the same is described as 'A' Schedule property in the decree dated 09.10.2006 passed in O.S.No.215/1995 on the file of District Munsif, Poonamallee and issuing of patta in favour of the petitioner for said property as per the representation dated 04.07.2016 made by the petitioner to the second respondent.

For Petitioner : Mr.R.Chittibabu
For Respondents : Mr.D.Suriyanarayanan for R1 & R2
Additional Government Pleader
Mr.M.V.Seshachari for R3

O R D E R

The petitioner seeks for a mandamus directing the second respondent to demarcate the boundaries in respect of properties described in the sale deed dated 04.02.1958.

2. It is seen that the said request of the petitioner was rejected already by issuing a proceeding dated 19.08.2016 by the

Tahsildar, Sriperumbudur on the reason that the patta is not standing in the name of the petitioner. If that is the fact, it is for the petitioner to seek for grant of patta in respect of the property covered under the sale deed before the competent Tahsildar. Without getting such document, namely the patta, the petitioner is not justified in seeking for survey of the land and demarcate the boundaries, especially when the third respondent herein is making some objections.

3. Therefore, this writ petition is disposed of as the present relief sought for in this writ petition cannot be considered at the moment, as patta is not standing in the name of the petitioner. However, it is open to the petitioner to seek for an appropriate relief before the appropriate forum, if the petitioner is entitled to get the same under law. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sni/vri

To

1. The District Collector
Kancheepuram District
Kancheepuram.

2. The Tahsildar
Sriperumbudur Taluk
Sriperumbudur
Kancheepuram District.

+1cc to Mr.M.V.Seshachari, Advocate, S.R.No.84828

+1cc to Mr.R.Chittibabu, Advocate, S.R.No.84523

+1cc to the Government Pleader, S.R.No.85123

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AD(CO)

GSP(03/01/2019)