

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.33191 of 2018

Ramasamy

.. Petitioner

Vs.

The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

.. Respondent

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to measure and demarcate petitioner's property measuring an extent of 2.27 acres situate in S.F.No.122/6 corresponding to Old S.F.No.180D bearing patta No.1460 of Suriyanallur Village, Dharapuram Taluk, Tiruppur District as per the title documents and revenue records on petitioner's application dated 11.09.2018 to respondent and proceedings of Land Survey and Records department dated 03.10.2018 in Na.Ka.D1/6283/2018.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.V.Shanmugasundar

Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this Writ Petition is for the issuance of Writ of Mandamus seeking a direction to the respondent to measure and demarcate the petitioner's property measuring an extent of 2.27 acres situate in S.F.No.122/6 corresponding to Old S.F.No.180D bearing patta No.1460 of Suriyanallur Village, Dharapuram Taluk, Tiruppur District as per the title documents and revenue records based on petitioner's application dated 11.09.2018 and proceedings of Land Survey and Records Department dated 03.10.2018 in Na.Ka.D1/6283/2018.

3. It is the case of the petitioner that he and his son are the owners of the land in S.F.No.122/6 corresponding to the old S.F.No.180D of Suriyanallur Village. The petitioner's father purchased the property from one Samiyappagounder, measuring an extent of 2.27 acres in the above said survey field by way of sale deed dated 03.04.1957 bearing Doc.No.553 of 1957. Thereafter, the petitioner and his father partitioned the property by way of partition deed dated 15.07.1971. Further, it is stated that the petitioner's father had executed a Will dated 23.09.1991 in favour of the petitioner, his son and his sisters, in which, the property in S.F.No.180D corresponding to the present new S.F.No.122/6 measuring an extent of 2.26 acres was allotted to the petitioner. The petitioner has been in possession and enjoyment of the property along with his son. Thereafter, One Somasundarasamygounder and his son filed a suit in O.S.No.278 of 2011 on the file of the District Munsif Court, Dharapuram claiming right to access through the petitioner's land and the same was decreed. The petitioner had filed an appeal in A.S.No.35 of 2015 before the Subordinate Court, Dharapuram and the same was allowed. Now, it is stated that the plaintiffs in the suit in O.S.No.278 of 2011 had filed a Second Appeal, which is pending before this Court and there was no interim order granted. In the meanwhile, the petitioner has submitted a representation dated 11.09.2018 seeking for measuring and demarcating his property based on his title deeds, but, the same is yet to be disposed of by the respondent. It is stated that the petitioner has paid necessary charges vide challan dated 23.11.2018 to survey his land. Hence, the petitioner is before this Court.

4. Heard Mr.R.Prabakar, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondent.

5. It is the fact that there is a dearth of surveyors in many of the Taluk Offices and there are many petitions and requests as that of the petitioner herein waiting their properties to be surveyed. Hence, the respondent is directed to have a list of such requests and conduct the survey as per the order of priority. However, any such request for survey of the land shall be done, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi
To

The Tahsildar,
Dharapuram Taluk,
Tiruppur District.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.86936

W.P. No.33191 of 2018

VD(CO)
GSP(11/02/2019)



WEB COPY