



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2018

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.17602 of 2018

WEB COPY

S.Chellaiah

: Petitioner

Vs.

1.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

2.The Commissioner,
Chinnamanur Municipality,
Chinnamanur, Theni District.

3.The Taluk Surveyor,
Office of the Tahsildar,
Uthamapalayam Taluk,
Theni District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to survey and measure out the land comprised in Survey No.371/1 extending 4 Acres 18 cents situated in Pallikottaipatti Village, Uthamapalayam Taluk, Theni District and demarcate the boundaries within a time as stipulated by this Court.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.M.Jeyakumar

Additional Government Pleader

ORDER

The petitioner approached this Court for issuance of a Writ of Mandamus, to direct the respondents to survey and measure out the land comprised in Survey No.371/1 extending 4 Acres 18 cents situated in Pallikottaipatti Village, Uthamapalayam Taluk, Theni District and demarcate the boundaries within a time as stipulated by this Court.

2.Mr.M.Jeyakumar, learned Additional Government Pleader takes notice on behalf of the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner's father purchased the land in Survey No.371/1 to an extent of 4 Acres, 18 cents situated at Pallikottaipatti Village, Uthamapalayam Taluk, Theni District, by a registered sale deed, dated 15.04.1981.



4. According to the petitioner, his father, after purchased the property, was in effective possession and enjoyment of the same. The Revenue records also stood in the name of the petitioner's father. On 14.01.2018, the petitioner's father died. After the death of his father, the property has been in possession of the petitioner as well as his brothers. Therefore, for the purpose of mutation of records, they approached the respondents and requested them to survey and demarcate the boundaries of the property. In this regard, the petitioner has sent a representation to the respondents on 06.07.2018. According to the petitioner, the said representation has not been considered by the respondents and therefore, he is before this Court with this petition seeking the relief stated supra.

5. Heard both sides.

6. Since the prayer sought in the writ petition is limited with scope, for which, the learned Additional Government Pleader appearing for the respondents cannot have any legitimate objection, this Court is inclined to pass the following direction:-

"The first respondent is directed to survey and measure the land, which is comprised in Survey No.371/1 to an extent of 4 Acres, 18 cents situated at Pallikottaipatti Village, Uthamapalayam Taluk, Theni District and demarcate the boundaries, within a period of four weeks from the date of receipt of a copy of this order. Such an exercise shall be initiated and completed after issuing notice to any other interest parties, within the time as stipulated above.

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.
2. The Commissioner,
Chinnamanur Municipality,
Chinnamanur,
Theni District.



3. The Taluk Surveyor,
Office of the Tahsildar,
Uthamapalayam Taluk,
Theni District.

+1CC to Mr.P.Gunasekaran , Advocate, SR.No.77578

+1CC to the Special Government Pleader SR.No. 77741

W.P. (MD) No.17602 of 2018
07.08.2018

RMK

ES/RSK/SAR 1/24.08.2018/3P/6C