



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)Nos.1267 & 1272 of 2018

A.Pandi ... Petitioner in W.P.(MD)No.1267 of 2018
P.Vasantha ... Petitioner in W.P.(MD)No.1272 of 2018

-Vs-

The Tahsildar,
Madurai East Taluk,
Madurai District.

... Respondent in both W.Ps.

Prayer in W.P.(MD)No.1267 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to survey the petitioner's property in UDR Survey No.128/2A1 and to transfer the patta in petitioner's name from the name of his vendor's vendor by sub-divided the same for an extent of 1 ½ cents based on the representation dated 27.06.2016 of the petitioner.

Prayer in W.P.(MD)No.1272 of 2018: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to survey the petitioner's property in UDR Survey No.128/2A1 and to transfer the patta in petitioner's name from the name of his vendor's vendor based on the representation dated 27.06.2016 of the petitioner.

For Petitioner : Mr.C.M.Arumugam
in both the petitions

For Respondent : Mr.Aayiram K.Selva Kumar,
in both the Petitions Additional Government Pleader.
In both Writ Petitions.

COMMON ORDER

The Writ Petitions have been filed seeking Mandamus, to direct the respondent to survey the petitioners' property in Survey No.128/2A1 and sub-divide the same.

2.According to the petitioners, they purchased the property from one Muthukaruppan and his wife Lakshmi in the year 2014. Thereafter, they have been possession and enjoyment of the same. Subsequently, they made an application dated 27.06.2016 seeking patta and sub division of the property, but so far, no order has been passed on the petitioners' representation. Hence, the present Writ Petitions have been filed.



3. Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing on behalf of the respondent submitted that, the respondent / Tahsildar filed a report dated 24.01.2018 stating that the Survey No.128/71 is classified as pathway, Survey No.128/72 is classified as toilet and Survey No.128/73 is classified as vacant site and already the petitioners were directed to remove all those encroachments.

4. Considering the fact that the disputed land is classified as pathway, toilet and vacant site, the prayer sought for in the Writ Petitions cannot be granted to the petitioners. If at all, the petitioners have any claim, it is always open to them to establish their right before the appropriate authority.

5. With the above observation, these Writ Petitions are dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Tahsildar,
Madurai East Taluk,
Madurai District.

+1cc to The Special Government Pleader, SR.Nos.44665

Myr
RL/3C/2P/SV/MMS/SAR4/7/2/2018

W.P (MD) Nos.1267 & 1272 of 2018