



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

W.A. [MD] No.83 of 2014

and

M.P. (MD) No.3 of 2014

S.Baskaran

... Appellant/Third party

Vs.

1.NTR.Ramamoorthy

2.A.Mayalagan

3.P.Udayasuriyan

4.M.Malliga Devi

...Respondents 1 to 4/ Writ petitioners

5. The District Collector,
Madurai District.

6. The Tahsildar,

South Taluk, Madurai. ...Respondents 5 and 6/Respondents 1 and 2

PRAYER: Appeal is filed under Clause 15 of the Letter Patent Act, against the order passed in W.P.(MD)No.18122 of 2013, dated 18.11.2013 on the file of this Court.

Prayer in WP(MD)No. 18122 of 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus, directing the 2nd respondent to survey and mark the boundary of Survey No.40/1B1 Patta No.380 property in Pappanodai Village of Madurai and consequently issue separate individual patta according to the sale deed by considering the petitioners representation dated 10.9.2013 within a stipulated period fixed by this Honble Court.

For Appellant

: Mr.D.Shanmugaraja Sethupathi

For R1 to R4

: Mr.D.Parisuthanathan

For R5 and R6

: Mr.A.Thiyagarajan

Government Advocate

JUDGEMENT

[Judgement of the Court was delivered
by **K.RAVICHANDRABAABU, J**]

This writ appeal is filed by a third party to the writ petition after obtaining leave. The writ petitioners sought for a Mandamus directing the Tahsildar to survey and mark the boundary of Survey No.40/1B1, Patta No.380, property in Pappanodai Village of Madurai and consequently, to issue individual patta based on their representation dated 10.09.2013.



2.The writ Court found that joint patta No.380, dated 01.06.2012, issued by the second respondent since indicates the name of all the four petitioners in respect of survey No.40/1B1, the Tahsildar may not have any impediment to complete the measurement of property in question and issue separate patta within a period of ten weeks.

3.Now, the said order is questioned by the appellant, who is the third party to the writ proceedings, by making some claim in respect of the subject matter property. We are not going to express any view on the rival claims made by the respective parties, since the relief sought in the writ petition is only for surveying the property and marking the boundary of the same and also for granting individual patta. When an objection is raised by the appellant, it is for the Tahsildar to consider the same before surveying the land and thereafter, to pass appropriate orders on merits and in accordance with law. Therefore, the writ appeal is disposed of with the following directions:-

The appellant shall give written objections before the Tahsildar, South Taluk, Madurai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objections, the Tahsildar shall conduct an enquiry and hear the writ petitioners, the appellant herein and other interested parties, if any, and pass appropriate orders, on merits and in accordance with law thereafter. Such exercise shall be done by the Tahsildar, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Collector,
Madurai District.

2. The Tahsildar,
South Taluk, Madurai.

+1cc to Mr.D.Shanmugaraja Sethupathi, Advocate Sr.No.74209

+1cc to Mr.D.Parisuthanathan, Advocate Sr.No.74280

RJ2/LS

VB/SKN/RSK/SAR1/27.07.2018/2P/5C