



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.11.2018

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THE HONOURABLE **MRS. JUSTICE V. BHAVANI SUBBAROYAN**

W.P(MD)No.18909 of 2018

R.Vadivel Nadar

..Petitioner

/Vs./

1.The Tahsildar,
Alangulam Taluk,
Tirunelveli District.

2.The Head Surveyor,
Alangulam Firka,
Alangulam Taluk,
Tirunelveli District.

..Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to survey the land, which is situated in S.No.684/2C, 683/2A Poolankulam Village, Alangulam Taluk, Tirunelveli District by considering the petitioner's representation dated 10.08.2018.

For Petitioner : Mr.G.R.Satish

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

ORDER

This writ petition has been filed seeking a writ of Mandamus, to direct the respondents to survey the land, which is situated in S.No.684/2C, 683/2A Poolankulam Village, Alangulam Taluk, Tirunelveli District by considering the petitioner's representation dated 10.08.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the above mentioned property is ancestral property. Earlier, it was belonged to his great grandfather. After his demise, it was allotted to his grandfather. After his demise, by way of partition, it came to his father's hand. Subsequently, his father also passed away leaving behind his legal heirs as two sons and two daughters, including the petitioner. After the demise of his father, the legal heirs have



equally shared the property and as per the partition deed, the petitioner got the subject land in S.No.684/2C, 683/2A Poolankulam Village, Alangulam Talum, Tirunelveli District, to the extent of 99 cents.

4. The learned counsel appearing for the petitioner would submit that the petitioner is having three sons. He has also equally settled the above said 99 cents to his three sons. After the settlement, the petitioner sent a representation to the first respondent on 10.08.2018 to survey the above said land. He is also ready to remit the requisite fee. But, till date, his representation has not been considered. Hence, this writ petition came to be filed.

5. The learned Special Government Pleader appearing for the respondents produced the relevant materials before this Court.

6. This Court perused the records, from which, it can be seen that the Tahsildar, Alangulam, received a notice dated 08.10.2018 by one S.Pandiarajan, Advocate, stating that a suit in O.S.No.381 of 2012 has been filed by the petitioner and other persons and the same was decided against one party and an appeal in A.S.No.49 of 2018 is pending before the Principal Sub Court, Tenkasi. Hence, no order can be passed by the authorities on the representation of the petitioner herein.

7. Based on the letter given by the Tahsildar, Alangulam, dated 09.10.2018 to the Additional Government Pleader, it could be seen that the parties concerned ought to approach the concerned civil Court and till the title is decided on merits, there cannot be any survey of the land by the concerned authorities. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS III)

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To

1.The Tahsildar, Alangulam Taluk,
Tirunelveli District.

2.The Head Surveyor, Alangulam Firka,
Alangulam Taluk, Tirunelveli District.

1CC TO MR. G.R. SATHISH, ADVOCATE SR 96554

1CC TO THE SPL GOVT PLEADER SR 96326