



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.18270 of 2019

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Ponnammal

... Petitioner

Vs.

1.The Tahsildar,
Dindigul East Taluk
Dindigul District.

2.The Taluk Surveyor,
Office of the Dindigul East Taluk Office,
Dindigul East Taluk
Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents herein to survey and demarcate and fix the boundary stones in the petitioner lands comprised in Survey Nos.135/C, 136 and 141/C situated at Balakrishnapuram village, Dindigul East Taluk, Dindigul District as per the judgment and decree passed in S.A.No.258 of 2001 dated 01.02.2017 on the file of the Hon'ble High Court of Madras, Madurai Bench on the basis of the petitioner application 29.12.2018 along with challans within the time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.P.Kannithevan

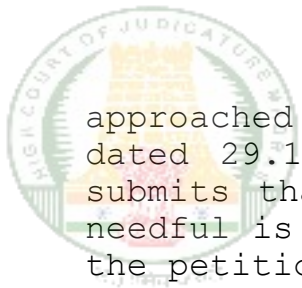
Additional Government Pleader

ORDER

The Writ Petition is filed for issuance of a writ of mandamus to direct the respondents herein to survey and demarcate and fix the boundary stones in the petitioner's lands in question situated at Balakrishnapuram village, Dindigul East Taluk, Dindigul District, as per the judgment and decree passed in S.A.No.258 of 2001 dated 01.02.2017 by this Court, on the basis of the petitioner's application dated 29.12.2018 along with challans.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who accepts notice for the respondents.

3.In order to survey the land and identify the boundaries at S.No.135/C, 136 and 141/C situated at Balakrishnapuram Village, Dindigul East Taluk, Dindigul District, the petitioner has



approached the respondent by giving a representation/application dated 29.12.2018. Hence, the learned counsel for the petitioner submits that if the said representation/application is decided and needful is done, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

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4. I have heard the learned Additional Government Pleader, who would submit that, insofar as the very same land, the very same petitioner has already approached the Revenue Divisional Officer concerned, pursuant to the civil Court decree and judgment and decree in S.A.No.258/2001 dated 01.02.2017 on the file of this Court, for the relief of issuance of patta and the said issue also is a subject matter in W.P.(MD) No.18268 of 2019, where this Court today passed an order by giving a direction to the Revenue Divisional Officer concerned and therefore, pursuant to the said order, once patta is issued to the petitioner, based on which, the application of the petitioner dated 29.12.2018 would be acted upon by the respondents.

5. I have considered the said submissions made by the learned counsel for the parties and the said submission made by the learned Additional Government Pleader, as stated above, is to be accepted.

6. Since today only order has been passed in W.P.(MD) No.18268 of 2019 filed by the very same petitioner for the said relief of getting patta and therefore, unless and until the petitioner gets the said relief by getting patta from the authority concerned, ie., the Revenue Divisional Officer, the present relief sought for by the petitioner to survey the land cannot be possible as the Tahsildar, who is the respondent herein, cannot act upon without the patta issued in favour of the petitioner.

7. In that view of the matter, with the consent of both sides, the writ petition is disposed of, at the admission stage itself, with the following direction:

That the respondents, especially, the first respondent shall act upon as per the final order to be passed with regard to the issuance of patta by the Revenue Divisional Officer concerned, pursuant to the order passed by this Court in W.P.(MD) No.18268/2019, thereupon, according to the outcome of the order to be passed by the Revenue Divisional Officer concerned, the first respondent shall pass orders on the application dated 29.12.2018 of the petitioner, within a reasonable time. No costs.

Sd/-

Assistant Registrar

// True Copy //



RR

To

1.The Tahsildar,
Dindigul East Taluk
Dindigul District.

2.The Taluk Surveyor,
Office of the Dindigul East Taluk Office,
Dindigul East Taluk
Dindigul District.

+1 CC to Mr.B. JAMEEL ARASU, Advocate (SR-83430[F] dated
26/08/2019)

W.P. (MD) No.18270 of 2019
22.08.2019

MK (11.12.2019) 3P 4C