



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.20099 of 2018

V.Manickam

... Petitioner

vs.

1.The Tahsildar,
Office of the Tahsildar Office,
Madurai South Taluk,
Madurai.

2.The Surveyor,
Madurai South Taluk,
Keelakulikudi,
Chichandarchavadi,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to survey to petitioner plot bearing No.220 to an extent of 2800 square feet in survey number 370/1 in Perasiriyar Anbalagan Nagar, Ayan Pappakudi Village, Madurai South to lay boundary stone for fencing within a stipulated time.

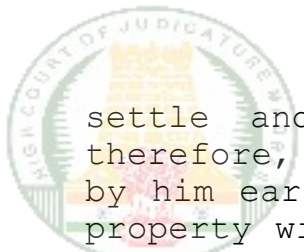
For Petitioner :Ms.K.Elil Selvi

For Respondents :Mr.B.Bhagavathi
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents to survey the petitioner plot bearing No.220 to an extent of 2800 square feet in survey number 370/1 in Perasiriyar Anbalagan Nagar, Ayan Pappakudi Village, Madurai South to lay boundary stone for fencing within a stipulated time.

2.The petitioner states that he purchased the house site plot in S.No.370/1 in Perasiriyar Anbalagan Nagar, Ayan Pappakudi Village, Madurai South, by virtue of a document dated 22.02.1983. The petitioner further states that after retirement, he wanted to



settle and set up a residence in his native place and that therefore, he took steps to construct a house in the plot purchased by him earlier. Since he found some difficulty in identifying the property with reference to four boundaries as per the sale deed and document, he approached the respondent by submitting a representation, dated 27.07.2018. Since the request of the petitioner to survey his land is not considered, the petitioner has approached this Court.

3.Having regard to the facts narrated in the representation and the sale deed obtained by the petitioner in the year 1983, the petitioner's claim of title and possession can be presumed, if patta also stand in the name of petitioner. The learned Counsel for the petitioner states that patta had not been transferred in favour of the petitioner, but, the petitioner's vendor name is found in the records as joint pattathar. In the said circumstances, the first respondent is directed to consider whether the petitioner is entitled to get sub division of his property without any objection from any third parties or a rival claim. In case the first respondent is satisfied that the petitioner is entitled to get patta, the first respondent is directed to proceed sub division, after giving notice to all the parties concerned and to survey the land in the manner known to law and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

4.In fine, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

1.The Tahsildar,
Office of the Tahsildar,
Madurai South Taluk,
Madurai.

2.The Surveyor,
Madurai South Taluk,
Keelakulikudi,
Chichandarchavadi,

<https://hcservices.hcjudges.gov.in/Doc/ct>



+1 CC to M/s.SPL.GP (SR-106142[F] dated 20/12/2019)

+1 CC to M/s.K.ELIL SELVI, Advocate (SR-106260[F] dated 20/12/2019)

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W.P. (MD) No. 20099 of 2018
19.12.2019

JMN (07.01.2020) 3P : 5C