



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.25509 of 2019

Virumandi

.. Petitioner

Vs.

1.The Tahsildar,
Thirupparamkundram Taluk,
Madurai District.

2.The Head Surveyor,
Thirupparamkundram Taluk,
Madurai District.

3.The Inspector of Police,
Austinpatti Police Station,
Madurai District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to survey and fix the boundaries of the petitioner's land in Re survey No.40/26 of Thanakkankulam Village, Thirupparamkundram Taluk, Madurai District and direct the 3rd respondent to give adequate police protection at the time of survey within a stipulated period fixed by this Court.

For Petitioner : Mr.V.Maharajan

For Respondent : Mr.B.Bhagawathi

1 to 3 Government Advocate

ORDER

This writ petition is filed for issuing a writ of mandamus directing the respondents 1 and 2 herein to survey and fix the boundaries of the petitioner's land in Re survey No.40/26 of Thanakkankulam Village, Thirupparamkundram Taluk, Madurai District and direct the 3rd respondent to give adequate police protection at the time of survey within a stipulated period fixed by this Court.

2.The petitioner trace his title to the property in this way. The petitioner's predecessor in interest by name Theivanai purchased the property measuring an extent of 10 cents in Re Survey Number



40/26. The said Theivanai after purchasing the property by document, dated 14.01.1983, got her name included in the joint patta in respect of the survey field in re survey No.40/26. An extent of 3 ares have been shown as the property in the holding of petitioner in revenue records. Thereafter, the said Thevainai executed the sale deed in favour of one Muthu Karuppan by document, dated 18.11.2011. Thereafter the petitioner purchased the property from the said Muthu Karuppan by a document of sale, dated 29.12.2011.

3.Going through the documents particularly the sale deed, dated 14.01.1983, this Court find that the property purchased by petitioner's predecessor's interest by name Thevainai was not in the Survey number 40/26. However, the name of the said Thevainai was included as a person holding land as pattadar in respect of S.No.40/26. The extent mentioned in the sale deed is 10 cents. Patta is only for 3 Acres. This discrepancy is not explained by the petitioner.

4.However, considering the facts, narrated in the affidavit filed in support of the petition, this Court is inclined to pass the order directing the respondent to consider the representation of the petitioner, if there is no rival claim to the property in S.No.40/26. The respondent shall ensure that the predecessor in interest of the petitioner had valid title to the property by getting their name and patta in respect of the property. After verifying the document of title and the holdings as per revenue records, the respondents 1 and 2 shall verify whether the subdivision was after hearing all joint pattadhars. If there is no proper subdivision, the respondent shall treat the application filed by the petitioner as an application for sub division of properties. If there is any dispute or rival claim, the respondent has no jurisdiction or authority to decide such contentious issues. If there is no rival claim and the petitioner's possession is admitted, the respondent shall pass appropriate orders after sub division within a period of two months from the date of receipt of the copy of this order.

5.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

TM

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To

1.The Tahsildar,
Thirupparamkundram Taluk,
Madurai District.

2.The Head Surveyor,
Thirupparamkundram Taluk,
Madurai District.

3.The Inspector of Police,
Austinpatti Police Station,
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+1 CC to Mr.V.MAHARAJAN, Advocate (SR-105220[F] dated 16/12/2019)
+1 CC to SPL.GP (SR-105296[F] dated 17/12/2019)

W.P.(MD).No.25509 of 2019
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