



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.12.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.26081 of 2019

M.Kannan

.. Petitioner

Vs.

1.The Tahsildar,
East Tahsildar Office,
Town Hall, Theppakulam Post,
Trichy.

2.The Tahsildar,
West Tahsildar Office,
Cantonment Trichy.

3.The Special Tahsildar (Settlement),
Town Settlement Office, Trichy.

4.The Head Surveyor,
Town Settlement Office,
West Tahsildar Office,
Trichy.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent No.4 to survey the petitioner's land property situated in Punja Survey No.326/1D Part to an extent 3127 sq.ft, situated in Ward.No.AV, Block No.10, T.S.No.70 in Kutti Ambalakkaranpatti, Kottapattu Village, Trichy district, based on his representation dated 05/10/2019.

For Petitioner	: Mr.N.Anandakumar
For Respondents	: Mr.B.Bhagawathi
	Government Advocate

ORDER

This writ petition is filed for issuing a direction to the respondent No.4 to survey the petitioner's land situated in Punja Survey No.326/1D Part to an extent 3127 sq.ft, situated in Ward.No.AV, Block No.10, T.S.No.70 in Kutti Ambalakkaranpatti, Kottapattu Village, Trichy district, based on his representation dated 05/10/2019.



2.Heard, the learned counsel appearing for the petitioner and Mr.B.Bhagawathi, learned Government Advocate appearing for respondents. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.

3.The petitioner states that he is the owner of the land situated in Punja Survey No.326/1D Part to an extent 3127 sq.ft, situated in Ward.No.AV, Block No.10, T.S.No.70 in Kutti Ambalakkaranpatti, Kottapattu Village, Trichy District. It is stated that the land is the ancestral property of the petitioner and that the said property was inherited from one Balayee the grandmother of the petitioner. After the life time of petitioner's grant parents, it is stated that the petitioner's father who inherited the property, executed a settlement in favour of the petitioner. Since the petitioner's possession and enjoyment is often disturbed by strangers, petitioner states that he has made an application for survey of the land so as to fix the four boundaries for the land, for which the petitioner has revenue documents and patta in his name.

4.The learned counsel for the petitioner states that a direction to the respondents to consider the representation of the petitioner and to pass appropriate orders on merits is sufficient.

5.Having regard to the limited scope of the prayer that is sought for by the learned counsel for the petitioner, without expressing any opinion on merits of the petitioner's representation, this Court is inclined to issue the following direction.

(i)The first respondent is directed to consider the petitioner's representation, dated 05.10.2019 and pass appropriate order on merits in accordance with law, after affording opportunity to the petitioner and any one interested to ascertain the title and enjoyment of the petitioner, based on patta and previous land records, within a period of six weeks from the date of copy of this order.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
East Tahsildar Office, Town Hall,
Theppakulam Post,
Trichy.

2.The Tahsildar,
West Tahsildar Office, Cantonment Trichy.

3.The Special Tahsildar (Settlement),
Town Settlement Office, Trichy.

4. The Head Surveyor,
Town Settlement Office, West Tahsildar Office,
Trichy.

+1 CC to SPL GP (SR-104193[F] dated 10/12/2019)

+1 CC to Mr.N.ANANDAKUMAR, Advocate (SR-104419[F] dated
11/12/2019)

W.P.(MD).No.26081 of 2019
09.12.2019

MK (06.01.2020) 3P 7C