

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.29109 of 2015

R.Srinivasan

...Petitioner

Vs

1. The Tahsildar,
Rasipuram Taluk,
Namakkal District.

2. The Firka Surveyor,
of Vennathur Village,
Office of the Taluk Office,
Rasipuram Taluk,
Namakkal District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent herein to measure the petitioner's land measuring about 2.38 acres in Patta No.179 in Survey No.61/3 located in Kumarapalayam Village, Rasipuram Taluk, Namakkal District.

For Petitioner : M/s.R.Arunmozhi

For Respondents : Mr.R.S.Selvam

Government Advocate

ORDER

This writ petition has been filed for a Mandamus to direct the 2nd respondent to measure the petitioner's land about 2.38 acres in Survey No.61/3 located in Kumarapalayam Village, Rasipuram Taluk, Namakkal District, within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he is the absolute owner of the aforementioned property. It is his case that he gave a representation on 15.07.2014 by paying a sum of Rs.100 towards/- survey fees for measurement of the aforesaid land. According to him, till date the first respondent has not measured the land despite the representation and payment of necessary fees. In such circumstances, this writ petition has been filed.

3. Heard M/s.R.Arunmozhi, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate appearing for respondents.

4. The learned Government Advocate appearing for respondents on instructions submits that the petitioner is only holding a joint patta and therefore, without the request of the other joint patta holder, the subject land cannot be measured. Excepting for this objection, no other objection has been raised.

5. The prayer sought for in this writ petition is to measure the petitioner's land by the second respondent. No prejudice will be caused to the interest of the respondents as well as the other joint patta holder, if the lands are measured after giving notice to the other joint patta holder and measuring the lands in his presence.

6. Accordingly, this Court directs the respondents to measure the petitioner's land measuring about 2.38 acres in Patta No.179 in Survey No.61/3 located in Kumarapalayam Village, Rasipuram Taluk, Namakkal District, after giving notice to all necessary parties, who are interested in the subject property within a period of eight weeks from the date of receipt of a copy of this order and a copy of the final report shall be given to the petitioner as well as to all the necessary parties, who have been put on notice.

7. With the aforesaid directions the writ petition stands disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi2

To

1.The Tahsildar,
Rasipuram Taluk,
Namakkal District.

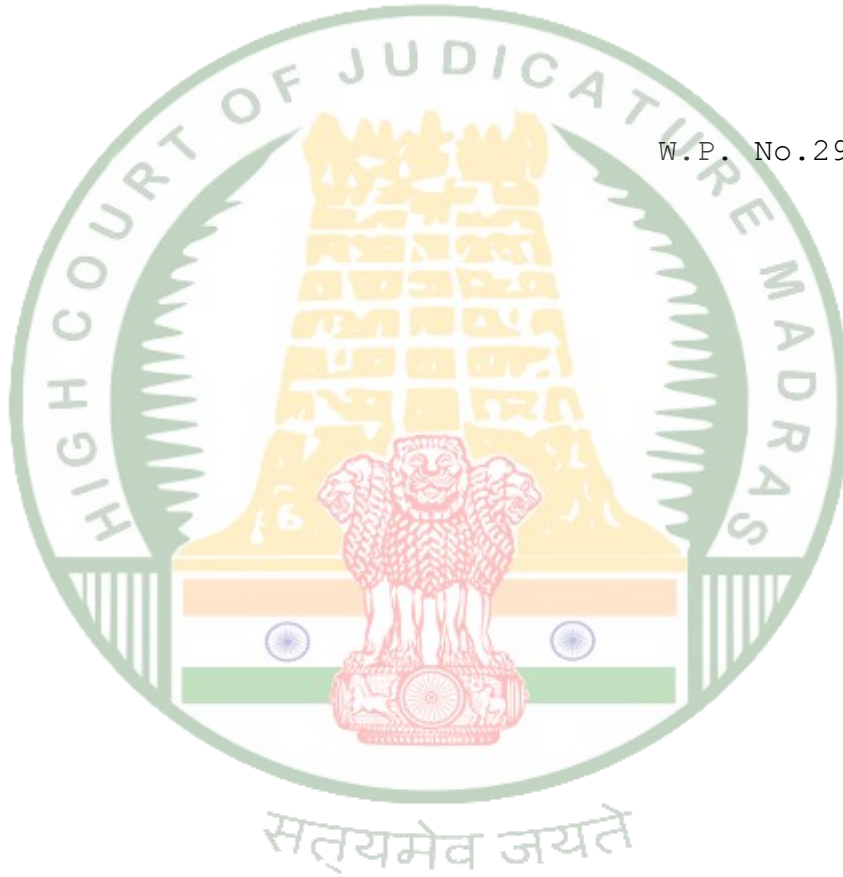
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2.The Firka Surveyor,
of Vennathur Village,
Office of the Taluk Office,
Rasipuram Taluk,
Namakkal District.

+1cc to Mrs.R.Arulmozhi, Advocate, SR.No.17712
+1cc to the Government Pleader, SR.No.17199

AK(CO)
rli(21/05/2020)

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