

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9376 of 2020

I.Irfan,
S/o.late A.K.Liyakathali.

... Petitioner

Vs.

The Tahsildar,
Valapady Taluk,
Salem District.

... Respondent.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondent to survey the property in survey number 169/1 in Belur Village, Valapady Taluk, Salem District, by considering petitioner application dated 06.09.2019 and consequentially direct the respondent to issue separate patta on the basis of survey conducted to the petitioner property and pass orders.

For Petitioner : Mr.R.Marudhachalamurthy.

For Respondent : Mr.Annai Ezhil
Government Advocate

O R D E R

By consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition has been filed for issuance of writ of mandamus directing the respondent to survey the property belonging to the petitioner and fix the boundary stones based on the representation submitted by the petitioner on 06.09.2019.

3.The case of the petitioner is that the property originally belong to the father of the petitioner by virtue of registered sale deed dated 25.06.2007. According to the petitioner, the revenue records were also mutated in the name of the father. The further case of the petitioner is that there is a joint patta issued in favour of the father of the petitioner. The father of the petitioner therefore made an application on

06.09.2019 to the respondent after paying necessary charges to conduct a survey and sub-divide the property by fixing the boundary stones.

4. According to the petitioner, the petitioner's father expired on 26.03.2020. The grievance of the petitioner is that till date, the application that has been submitted by the father of the petitioner was not acted upon. Therefore, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.R.Marudhachalamurthy, learned counsel appearing on behalf of the petitioner and Mr. Annai Ezhil, learned Government Advocate appearing on behalf of the respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in the writ petition, there shall be a direction to the respondent to act upon the application dated 06.09.2020 and take appropriate action in accordance with law within a period of six weeks from the date of receipt of copy of this order.

7. The petitioner is directed to make a fresh representation to the respondent along with a copy of the application dated 06.09.2020 and all other relevant documents. The petitioner shall also furnish a copy of this order to the respondent. It goes without saying that the respondent shall verify as to whether the charges have already been paid to conduct the survey.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Tahsildar,
Valapady Taluk,
Salem District.

2.The Government Pleader,
High Court, Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate Sr.24901

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srg 06/08/2020



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