

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No. 15400 of 2019

N.Sathishkumar (Minor)

Represented by his father and natural
guardian K.Natarajan

... Petitioner

Vs

1.The Tahsildar,
Senthamangalam Taluk,
Namakkal District.

2.The Inspector of Police,
Erumapatti Police Station,
Senthamangalam,
Namakkal District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to survey the land in S.No.154/2A2, situated in Singalamkombai, Erumapatti Town Panchayat to the extent of 4 acres and sub divide the same and issue separate patta based on the representation dated 29.11.2018 made by the petitioner.

For Petitioner : Mr. V.Elangovan

For Respondent : Mr. K.Parameswaran
Government Advocate

O R D E R

The present Writ Petition has been filed for the issuance of Writ Of Mandamus, directing the first respondent to survey the land in Survey No.154/2A2 in Singalamkombai, Erumapatti Town Panchayat.

2. The case of the petitioner is that he is the minor son of K.Natarajan who purchased the property in the name of his son on 07.06.2004. It is seen from the records that a joint patta has been issued in the name of nineteen persons for survey

No.154/2A2. The name of the petitioner is also shown in Serial No.3 of the patta. The petitioner has filed an application before the first respondent with a request to survey the land and sub-divide the same and to issue separate patta. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Learned Government Advocate appearing on behalf of the respondents submitted that the property in question was inspected by the first respondent and it was seen that it was covered with thorny bushes and it is impossible to conduct survey unless those thorny bushes are cleared. Learned Government Advocate also produced the photographs of the topography of the property and it is seen that there are well grown bushes in the entire property and therefore, with the present status, even if the respondents wants to conduct the survey, the same cannot be done.

4. In view of the above development, there shall be a direction to the petitioner to take necessary steps to clear the thorny bushes and make the property suitable for conducting the survey. Thereafter, the petitioner shall make a fresh application to the first respondent seeking for survey of land and to mark the boundaries and for issuance of separate patta. If such an application is made, the first respondent shall conduct an enquiry, in accordance with law, after hearing necessary parties and thereafter, decision shall be taken with regard to surveying the land and for the issuance of separate patta to the petitioner. After the petitioner clears the entire property, an application shall be submitted to the first respondent and the first respondent shall take appropriate decision within a period of six weeks from the date on which the fresh application is made by the petitioner.

5. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (TN MCC)

//True Copy//

Sub Assistant Registrar

Bkn

To

1.The Tahsildar,
Senthamangalam Taluk,
Namakkal District.

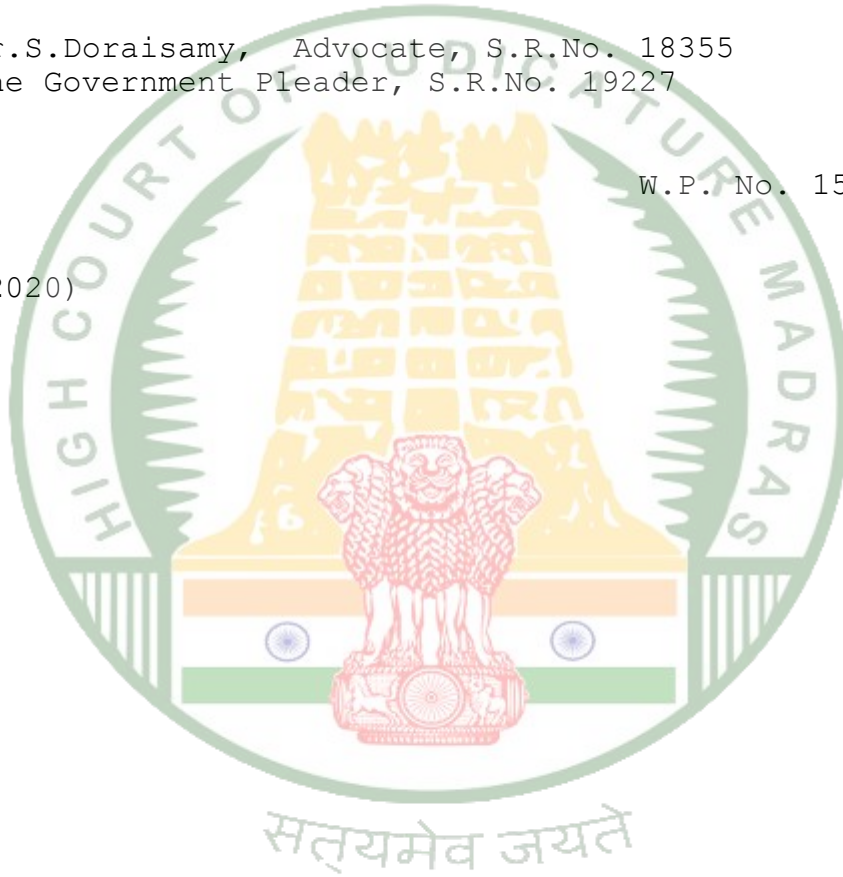
2.The Inspector of Police,
Erumapatti Police Station,
Senthamangalam,
Namakkal District.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No. 18355

+1cc to the Government Pleader, S.R.No. 19227

W.P.No. 15400 of 2019

RK(CO)
GN(26/05/2020)



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