



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

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THE HONOURABLE MR.JUSTICE **S . S . SUNDAR**

W.P. (MD)No.1947 of 2020

Krishna Kumari

... Petitioner

vs.

1.The Tahsildar,
Vadipatti Taluk Office,
Vadipatti, Madurai District.

2.The Head Surveyor,
Vadipatti Taluk Office,
Vadipatti, Madruai District.

3.Meenakshi Sundaram

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to survey the petitioner's land in S.No.199/1A3, 199/4A2 and 199/2A2 situated in Thathampatti Village, Vadipatti Taluk, Madurai District and consequently, to demarcate its boundaries as per the revenue records by considering the petitioner's representations, dated 01.11.2019 and 05.12.2019 within the time limit that may be stipulated by this Court.

For Petitioner :Mr.S.Jeyakarthi

For R1 and R2 :Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

This Writ Petition is filed to direct the respondents 1 and 2 to survey the petitioner's land in S.Nos.199/1A3, 199/4A2 and 199/2A2 situated in Thathampatti Village, Vadipatti Taluk, Madurai District and consequently, to demarcate its boundaries as per the revenue records by considering the petitioner's representations, dated 01.11.2019 and 05.12.2019 within the time limit that may be stipulated by this Court.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.



3.The petitioner states that an extent of 0.72.0 Hectares in S.Nos.199/1A3 and 199/4A2 and a further extent of 0.2.22 Hectares in S.No.199/2A2 in Thathampatti Village, Vadipatti Taluk, Madurai District belong to the petitioner. It is further stated that in a civil suit, the petitioner's title has been upheld. The petitioner has produced before this Court the judgment and decree in the second appeal in S.A.(MD)No.27 of 2019.

4.Reading of the judgment indicates that in the suit filed by the petitioner himself in O.S.No.267 of 2015, the petitioner succeeded and established his title. It is to be seen that land particulars cannot be gathered from the judgment of this Court in the second appeal. However, the petitioner has produced before this Court, a separate patta issued in favour of the petitioner in respect of the survey fields. Once separate patta is given to the petitioner after sub division, it is expected from the revenue officials that they have conducted the survey after issuing notice to all the joint pattathars and divide the property by metes and bounds for fixing survey stones as per documents of title for each and every joint pattathars. In the present case, the petitioner states that revenue officials have to fix the boundary stones after demarcation of property. A separate patta can be given only after sub division of property involving field measurements, after issuing notice to all the pattathars. Hence, this Court is not inclined to issue any positive direction. However, without expressing any opinion on the merits of the petitioner's representation, this Court is inclined to issue the following directions:

4.1.The first respondent is directed to consider the petitioner's representations, dated 01.11.2019 and 05.12.2019 and pass appropriate orders or effect sub division on ground, after issuing notice to all the joint pattathars and consider their claim on the basis of prior document of title as well as the entries in revenue records. This exercise shall be done by the first respondent within a period of three months from the date of receipt of a copy of this order.

5.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
Vadipatti Taluk Office,
Vadipatti, Madurai District.

2.The Head Surveyor,
Vadipatti Taluk Office,
Vadipatti, Madruai District.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-4476[F] dated 03/02/2020

W.P. (MD) No.1947 of 2020
31.01.2020

JMN(10.02.2020) 3P : 4C