



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.4058 of 2020

WEB COPY

Marimuthu

.. Petitioner

Vs.

1.The Tahsildar,
Manoor Taluk,
Tirunelveli District.

2.The Land Surveyor,
O/o The Land Surveyor,
Manoor Taluk,
Tirunelveli District.

3.The Inspector of Police,
Manoor Police Station,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to survey the land with adequate police protection belongs the petitioner land in survey Nos.7/2A, 7/2B, 7/2C, 7/3A to an extent of 0.69.75 Hectares (1.25 Acres) at Muviruthali Village in Manoor Taluk, Tirunelveli District and mark the boundaries and provide the report to the petitioner based on the petitioner's representation, dated 05.02.2020, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.A.Muthukaruppan for R1 to R3
Additional Government Pleader

ORDER

This writ petition is filed for issuance of Writ of Mandamus, directing the 2nd respondent to survey the land belonged to the petitioner in survey Nos.7/2A, 7/2B, 7/2C, 7/3A to an extent of 0.69.75 Hectares (1.25 Acres) at Muviruthali Village in Manoor Taluk, Tirunelveli District with adequate police protection and mark the boundaries.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader, takes notice for respondents. Considering the facts and circumstances of this case, this writ petition is taken up for final disposal at the admission stage itself.



3.The petitioner states that he purchased certain lands measuring an extent of 1.25 acres at Muviruthali Village in Manoor Taluk, by virtue of a registered sale deed, dated 06.01.2012. On the basis of the said sale deed, the petitioner submitted a representation to the respondent to survey the land and mark the boundaries as per the sale deed under which he purchased the property. The petitioner has also referred to a suit in O.S.No.13 of 2014 which was filed by one Periyapandian and three others. The petitioner is the fifth defendant in the suit. The petitioner has produced only a copy of the decree in the said suit. As per the decree, the suit filed by some third parties was dismissed on merits. The suit was for declaration of plaintiff's exclusive title in respect of certain properties.

4.The plaintiff has purchased the property from the first defendant in the said suit. From the decree that is produced before this Court, this Court is unable to see that the first defendant in the suit is the absolute owner of the property. The petitioner has not produced before this Court any patta or revenue records to show that his vendor was the land owner as per revenue records and that a separate patta had already been issued to the petitioner's vendor.

5.Hence, this Court is not inclined to entertain the writ petition for surveying the property with police protection. It is open to the petitioner to apply for patta if the title of his vendor is upheld by the Civil Court. After getting patta, if possession is established with reference to four permanent boundaries, it may be open to the petitioner to seek subdivision. It is only during subdivision, after issuing notice to all the owners in the said survey number, the property can be demarcated.

6.Hence, this writ petition is dismissed with the liberty mentioned above. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The Tahsildar,
Manoor Taluk,
Tirunelveli District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Land Surveyor,
O/o The Land Surveyor,
Manoor Taluk,
Tirunelveli District.

3.The Inspector of Police,
Manoor Police Station,
Tirunelveli District.

+1 CC to SPL GP (SR-9532[F] dated 02/03/2020)

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MK (12.03.2020) 3P 5C