



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD) .No.4261 of 2020

and

W.M.P. (MD) .No.3592 of 2020

A.Bootharaj

.. Petitioner

Vs.

1.The Assistant Director,
Land Survey,
District Land Survey Department Office,
Madurai.

2.The Tahsildar,
Madurai East Taluk,
Taluk Office, Y.Othakkadai, Madurai.

3.K.Muthusamy

.. Respondents

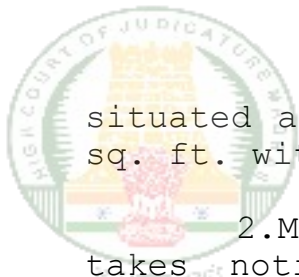
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to dispose the petitioner's appeal, dated 03.10.2019 within time limit stipulated by this Court by conducting survey to the petitioner's land in Survey No.138/11C2 situated at Kodikulam Ist Bit Village, Plot No.1 total extent 1459 sq. ft. with fix the four boundaries.

For Petitioner : Mr.D.Selvanayagam

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

ORDER

This writ petition is filed for issuance of Writ of Mandamus, directing the 1st respondent to dispose the petitioner's appeal, dated 03.10.2019, within time limit stipulated by this Court by conducting survey to the petitioner's land in Survey No.138/11C2



situated at Kodikulam Ist Bit Village, Plot No.1 total extent 1459 sq. ft. with fix the four boundaries.

2.Mr.A.Muthu Karuppan, learned Additional Government Pleader, takes notice for respondents 1 and 2. Notice to the third respondent is dispensed with. Considering the facts and circumstances of this case, this writ petition is taken up for final disposal at the admission stage itself.

3.As in many cases, this is also a case where the petitioner wants his land to be earmarked with boundary on ground after subdivision. From the admission of the petitioner, this Court is of the view that the petitioner though has obtained separate patta in S.No.138/11C2 at Kodikulam Ist Bit Village, for an extent of 1459 sq. feet, the subdivision was not effected on ground. Therefore, the respondents are directed to cancel the survey and subdivision proceedings resulting issuance of separate patta for the petitioner in respect of S.No.138/11C2 and to effect subdivision after issuing notice to all the land owners. It is also to be noted that as per Revenue standing order a subdivision is possible only if a person who is seeking separate patta is in possession and enjoyment of the property with reference to permanent boundaries. The petitioner in this case has not produced any record to show that the property was divided on ground before the subdivision of property in S.No.132/11C.

4.Hence, this Court is of the view that the subdivision resulting in demarcation of the land of petitioner in S.No.138/11C2 is unauthorized and without following the procedure. The respondents 1 and 2 are directed to conduct survey in the presence of all the owners of land in S.No.138/11C in Kodikulam Village and to carry out subdivision, in case the parties are in enjoyment of specific plots with reference to permanent boundaries. If there is a dispute, it is open to the Revenue officials to direct the parties to approach the Civil Court for appropriate relief.

5.With the above directions, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)



To

1.The Assistant Director,
Land Survey,
District Land Survey Department Office,
Madurai.

2.The Tahsildar,
Madurai East Taluk,
Taluk Office, Y.Othakkadai, Madurai.

+1 CC to M/s.Special Govt.Pleader (SR-9533[F]

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-9905[F]

W.P. (MD) .No.4261 of 2020

28.02.2020

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