



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2020

CORAM

WEB COPY

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

W.P. (MD)No.5284 of 2019

Jeyaseelan Thangiah

... Petitioner

Vs.

1.The Tashildar,
Cheranmadevi Taluk,
Tirunelveli District.

2.The Head Surveyor,
Cheranmadevi Taluk,
Tirunelveli District.

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

4.Mutharasu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first and second respondents to survey the property in survey number 92/34B, Mukkudal Village to the extent of 5 cents vide registered sale deed in document number 192/1982 on 12.03.1982, in survey number 92/27B, Mukkudal Village to the extent of 6 cents vide registered sale deed in document number 1157/1979 on 15.09.1979 and in survey number 92/33B to the extent of 2 cents vide registered sale deed in document number 20/1982 on 11.01.1982 within stipulated time.

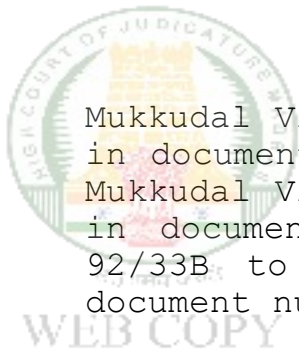
For Petitioner : Mr.T.A.Ebnezer

For R1 to R3 : Mr.A.Thiyagarajan,
Government Advocate.

For R4 : Mr.R.Rajarajan

ORDER

This writ petition has been filed to direct the first and second respondents to survey the property in survey number 92/34B,
<https://hcservices.ecourts.gov.in/hcservices/>



Mukkudal Village to the extent of 5 cents vide registered sale deed in document number 192/1982 on 12.03.1982, in survey number 92/27B, Mukkudal Village to the extent of 6 cents vide registered sale deed in document number 1157/1979 on 15.09.1979 and in survey number 92/33B to the extent of 2 cents vide registered sale deed in document number 20/1982 on 11.01.1982 within a time frame.

2.The petitioner claims to have purchased three parcels of properties under three different documents. The petitioner, on the basis of his sale deed, approached the first respondent for surveying the property to give separate patta in favour of the petitioner. Since the representation of the petitioner was not considered despite payment of required fee to survey, the petitioner has approached this Court by way of this writ petition.

3.The petitioner himself produced a notice sent by the Thasildar intimating that an enquiry was conducted by the Thasildar. The learned Government Advocate produced the proceedings of the first respondent dated 08.03.2019 rejecting the representation of the petitioner for surveying the property of the petitioner. The Thasildar rejected the request of the petitioner on the ground that the properties are in enjoyment of some third parties by putting up constructions and therefore, the Thasildar cannot survey the land.

4.The learned counsel for the petitioner submitted that the proceedings of the Thasildar dated 08.03.2019 was not served on the petitioner and that therefore, this Court may dispose this writ petition by giving liberty to the petitioner to challenge the rejection order of the Thasildar.

5.In view of the above, this writ petition is closed. It is open to the petitioner to challenge the order dated 08.03.2019 or to approach the Civil Court in the manner known to law.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

To

1.The Tashildar,
Cheranmadevi Taluk,
Tirunelveli District.



2.The Head Surveyor,
Cheranmadevi Taluk,
Tirunelveli District.

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

+1 CC to M/s.SPL.GP (SR-7263[F] dated 20/02/2020)

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-7313[F] dated 20/02/2020)

W.P. (MD)No.5284 of 2019
19.02.2020

JMN(27.02.2020) 3P : 6C