



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD)No.12790 of 2020

R.Sarasammal @ Saraswathi

... Petitioner

Vs.

The Tahsildar
T.Vadipatti Taluk
Madurai District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to survey and demarcate the boundaries of the land comprised in Survey No.51/1B, admeasuring 0.7.50 Ares in Errampatti Village, T.Vadipatti Taluk, Madurai District, based on the representation of the petitioner dated 16.07.2020 within a time frame fixed by this Court.

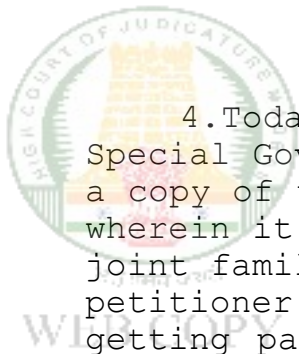
For Petitioner : Mr.S.Mohamed Kadhar
For Respondent : Mr.C.Ramesh
Special Government Pleader

ORDER

This writ petition is filed to direct the respondent to survey and demarcate the boundaries of the land comprised in Survey No.51/1B, admeasuring 0.7.50 Ares, in Errampatti Village, T.Vadipatti Taluk, Madurai District, based on the representation of the petitioner dated 16.07.2020.

2.Heard Mr.S.Mohamed Kadhar, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondent.

3.According to the petitioner, originally the petition mentioned property belonged to the petitioner's husband and after the demise of her husband, the petitioner is in possession and enjoyment of the above mentioned properties along with the co-sharers. In order to demarcate the above mentioned properties, the petitioner has filed an application dated 16.07.2020 to the respondent and she has paid the requisite fees also. Since no action has been taken by the respondent, the present writ petition has been filed.



4.Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondent has produced a copy of the proceedings, dated 28.09.2020, in K.K.vz;.M5/3994/2020 wherein it has been stated that the petition mentioned property is a joint family properties, which stands as joint patta. Therefore, the petitioner has to seek his remedy before the appropriate forum for getting partition. For the aforesaid reason, the respondent is not in a position to measure the property and fix the boundaries. The petitioner has also agreed the submission of the respondent and withdrew the said application.

5.Recording the submission of the learned Special Government Pleader appearing for the respondent, this writ petition is dismissed as infructuous. It is for the petitioner to work out his remedy before the appropriate forum in the manner known to law. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Tahsildar
T.Vadipatti Taluk
Madurai District.

+1 CC to the SPL GP (SR-18495[F] dated 30/09/2020)

W.P. (MD) No.12790 of 2020
29.09.2020

MR (CO)
CS (09.10.2020) 2P 3C