



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.14524 of 2020

(Through Video Conferencing)

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Arumugam

... Petitioner

Vs.

1.The Tahsildar,
Thirumayam Taluk
Pudukottai District.

2.The Taluk Surveyor,
Thirumayam Taluk
Pudukottai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to order to measure the property in S.No.183/16 Punjai 28 cent of Neivasal Village, Thirumayam Taluk, Pudukottai District within a time to be fixed by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Pandiyarajan

Addl.Government Pleader

O R D E R

The writ petition has been filed for a direction to the respondents to measure the property in S.No.183/16 Punjai 28 cent of Neivasal Village, Thirumayam Taluk, Pudukottai District within a time to be fixed by this Court.

2.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader, who takes notice for the respondents. By consent of both sides, the writ petition is taken up for final disposal.

3.The petitioner's case is that from the date of purchase ie., on 19.01.1987, the petitioner was in peaceful possession and enjoyment of the property. While so, for measuring the property and for fixing the boundaries, the petitioner approached the respondents by remitting necessary fee and application. Subsequently, the petitioner sent a representation on 03.09.2020. However, since no action has been taken either on the said representation or on the application for measuring the property, the petitioner is before this Court.

4. When the matter was taken up for hearing, the learned Additional Government Pleader, on instructions, would submit that on
<https://hcservices.ecourts.gov.in/hcservices/>



10th September 2020, the Surveyor went for surveying the property and it is found that the entire land belongs to several persons and joint patta only feasible and unless otherwise the documents show that there is sub division, no separate patta is possible. The said statement is recorded.

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5. It may be true that there was an earlier survey with regard to issuance of patta. According to the respondents, joint patta only possible and separate patta will not be possible, unless proper documents to show that there is sub-division. This Court is not inclined to go into the factual aspects. However, in view of the said submission made by the learned Additional Government Pleader and in the light of the judgment in W.P.(MD) No.13465/2020, modified on 13.10.2020, the respondents shall survey the land and take a decision with regard to issuance of joint patta or separate patta, as the case may be. It is made clear that the decision to be taken shall be communicated to the petitioner.

6. The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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

1.The Tahsildar,
Thirumayam Taluk
Pudukottai District.

2.The Taluk Surveyor,
Thirumayam Taluk
Pudukottai District.

+1 CC to M/s.GP (SR-20563[F] dated 19/10/2020)

W.P.(MD) No.14524 of 2020

Dated:

16.10.2020

SE (CO)

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