



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.13963 of 2020

M.Venguran

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Assistant Director (Survey),
Survey Department, District Collector's Office,
Tiruchirappalli.

3.The Tahsildar,
Manachanallur Taluk Office,
Manachanallur, Manachanallur Taluk,
Tiruchirappalli District.

4.The Deputy Surveyor,
Manachanallur Taluk Office,
Manachanallur, Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to survey land property comprised in Survey No.382/6 of Poonampalayam Village, Manachannallur Taluk, Trichy District based on the petitioner's application dated 12.09.2020.

For Petitioner
For Respondents

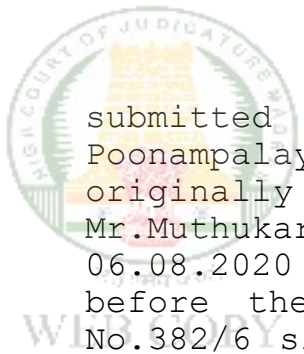
: Mr.P.Ganapathi Subramanian
: Mr.P.Kannithevan
Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents to survey land property comprised in Survey No.382/6 of Poonampalayam Village, Manachannallur Taluk, Trichy District based on the petitioner's application dated 12.09.2020.

2.Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3.The learned Counsel appearing for the petitioner



submitted that the property comprised in S.F.No.382/6 situate at Poonampalayam Village, Manachanallur Taluk, Trichy District originally belonged to the petitioner's father, namely, Mr.Muthukaruppan. After the demise of the petitioner's father, on 06.08.2020 and 12.09.2020, the petitioner made representations before the third respondent to survey the land bearing Survey No.382/6 situated in Poonampalayam Village, Manachannallur Taluk, Trichy District. Since there is no response from the third respondent, the petitioner has come forward with this Writ Petition.

4.It is represented that the petitioner is one of the legal heirs of Mr.Muthukaruppan and that he owned a joint patta for various properties mentioned in the patta attached at page 6 of the typed set of papers filed in support of this Writ Petition. It is seen from the patta, not only the petitioner but also the legal heirs of the said Muthukaruppan have vested rights in the property bearing Survey Nos.296/2, 296/3 and 382/6 and unless or until a release deed is obtained from the other legal heirs of Mr.Muthukaruppan and the properties are sub-divided, the petitioner is not entitled to seek survey of his property and to get separate patta.

5.Though the petitioner seeks a direction to the third respondent to conduct survey of the property in question, considering the facts and circumstances of the case, this Court is of the view that unless or until a release deed is obtained from the other legal heirs of Mr.Muthukaruppan and/or the properties are sub-divided, the petitioner is not entitled to seek survey or separate patta in respect of any of the property of Late.Muthukaruppan. Therefore, there is no need to grant the relief as such to the petitioner regarding survey of the property in Survey No.382/6. In case, the properties are subdivided and/or a release deed is obtained by the petitioner in future, the petitioner shall submit a representation/application to the third respondent for survey of the property. In such event, the third respondent shall consider the representation and survey the property in the light of the judgment made in W.P.(MD)No.13465 of 2020, dated 05.10.2020 and in case of issuance of patta, after survey, the directions issued by this Court in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 should be scrupulously followed.

6.With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To
1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Assistant Director (Survey),
Survey Department, District Collector's Office,
Tiruchirappalli.

3.The Tahsildar,
Manachanallur Taluk Office,
Manachanallur, Manachanallur Taluk,
Tiruchirappalli District.

4.The Deputy Surveyor,
Manachanallur Taluk Office,
Manachanallur, Tiruchirappalli.

+1 CC to M/s.GP (SR-19764[F] dated 12/10/2020)

W.P (MD) No.13963 of 2020
08.10.2020

SSS (CO)
KK (22.10.2020) 3P 6C