



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

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

W.P. (MD)No.14133 of 2020

T.Kalaiselvi

... Petitioner

-VS-

1.The Thasildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

2.The Land Surveyor,
Peraiyur Taluk,
Peraiyur,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to survey the petitioner's patta land to an extent of 12 Cents situated in S.No.85/13, Sedapatti Village, Peraiyur Taluk, Madurai District and fix the boundaries thereon based on the representation dated 06.03.2020 within time frame fixed by this Court.

For Petitioner

: Mr.S.Muthumalai Raja

For Respondents

: Mr.P.Kannithevan

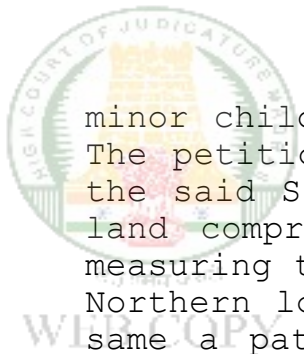
Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus to direct the respondents to survey the petitioner's patta land to an extent of 12 Cents situated in S.No.85/13, Sedapatti Village, Peraiyur Taluk, Madurai District and fix the boundaries based on the representation dated 06.03.2020 within time frame fixed by this Court.

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 of both parties, the Writ Petition is disposed of at the admission stage itself.

3.It is represented by the learned counsel appearing for the petitioner that a land measuring to an extent of 12 cents in Survey No.85/13 situated at Sedapatti Village, Peraiyur Taluk, Madurai District was originally belong to one Chinnathayammal who executed a sale deed on 28.02.2002 to one Singam. The said Singam died on 09.03.2004 leaving behind his wife, by name, Ottchammal and the



minor children namely, Vijayalakshmi, Siva, Rakesh and Vijayakumar. The petitioner has purchased the said land from the legal heirs of the said Singam on 18.06.2019 through a registered sale deed. The land comprised in Survey No.85/1A4J at Sedapatti Village totally measuring to an extent of 46 Cents and out of which, 12 cents in the Northern lower side was subdivided as Resurvey No.85/13 and for the same a patta was issued bearing No.1735 in the name of the said Singam. It is further submitted that after the purchase of 12 cents from the legal heirs of the said Singam, patta was transferred in the name of the petitioner bearing No.1786. Thereafter, the petitioner approached the respondents to survey the land and fix the boundaries by paying necessary fee on 09.07.2019. In response to the request of the petitioner, the second respondent issued notice on 23.09.2020 to the petitioner and adjacent land owners to appear before him on 01.10.2019 with relevant records. Though the petitioner has appeared before the second respondent on 01.10.2019, the adjacent owners did not appear and hence, the matter was adjourned on various dates. Hence, the petitioner made a representation to the respondent on 06.03.2020. Since there is response from the respondents, the petitioner is before this Court with the aforesaid relief.

4.Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that survey has already been done but the report has not been given. However, he would further submit that the respondents are willing to abide by the directions of this Court issued in the order in W.P (MD).No.7746 of 2020 batch, dated 23.09.2020.

5.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 06.03.2020 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 (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Thasildar,
Peraiyur Taluk,
Peraiyur,
Madurai District.

2.The Land Surveyor,
Peraiyur Taluk,
Peraiyur,
Madurai District.

+1 CC to SGP (SR-20058[F] dated 14/10/2020)

W.P (MD) No.14133 of 2020

12.10.2020

SGS (CO)

NR (21/10/2020) 3P : 4C