



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

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

W.P. (MD)No.14488 of 2020

and

W.M.P. (MD)No.12123 of 2020

WEB COPY

M.Urkalan

... Petitioner

-vs-

1.The Thasildar,
Aandipatti Taluk,
Theni District.

2.The Head Surveyor,
Aandipatti Taluk,
Theni District.

3.Amsa

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first and second respondents to demarcate the petitioner's property in S.No.432/2A and 432/2B of Thimmarasanaickanur Village and fix boundaries as per revenue records within the time frame as fixed by this Court.

For Petitioner : Mr.S.Sukumar

For Respondents 1 & 2 : Mr.P.Kannithevan

Additional Government Pleader

ORDER

This writ petition is filed seeking issuance of Writ of Mandamus to direct the first and second respondents to demarcate the petitioner's property in S.No.432/2A and 432/2B of Thimmarasanaickanur Village and fix boundaries as per revenue records within the time frame as 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 1 and 2. Since this Court is not going to pass any adverse orders against the third respondent, notice to the third respondent is dispensed with.



3.It is represented by the learned counsel appearing for the petitioner that the land measuring to an extent of 5 cents and 53 cents in Survey Nos.432/2A and 432/2B respectively situated at Thimmarasanaickanur Village, Aandipatti Taluk, Theni District, was originally belonged to one Mariappan. The petitioner purchased the above property from the said Mariappan and his legal heirs, namely, his wife by name Ponnammal and his son by name Marimuthu vide registered sale deed dated 14.09.2004. From the date of purchase, the petitioner has been in possession and enjoyment of the property by constructing a house. Thereafter, the petitioner sold 6 cents of land out of the total extent of 58 cents to his vendor namely Ms.Ponnammal and as of now, the petitioner is in possession and enjoyment of 52 cents in the above said survey numbers. While so, taking advantage of the petitioner's absence during the pandemic period, the third respondent, who is having land in Survey No.432/2A, is trying to put up a permanent structure by encroaching the petitioner's property. In spite of repeated requests, the third respondent has not stopped the unlawful construction. Hence, the petitioner has submitted a representation on 03.10.2020 before the respondents 1 and 2 seeking to survey his land and fix the four boundaries. He has also paid necessary fee for conducting the survey.

4.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 03.10.2020 and survey the property in the light of the judgment made in W.P.(MD)No.13465 of 2020, dated 13.10.2020 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. The said exercise shall be done within a period of three months from the date of receipt of a copy of this order, after affording an opportunity of hearing to the third respondent as well as the persons who are likely to be affected.

5.With the above directions, the writ petition, is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

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To

1.The Thasildar,
Aandipatti Taluk,
Theni District.

2.The Head Surveyor,
Aandipatti Taluk,
Theni District.

+1 CC to Mr.S. SUKUMAR, Advocate (SR-20270[F] dated 15/10/2020)

W.P (MD) No.14488 of 2020
15.10.2020

VB (10.11.2020) 3P 4C