



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 05.11.2020**

CORAM:

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

**W.P. (MD)No.15357 of 2020**

R.Jeyasingh Chandrabose

... Petitioner

-vs-

1.The District Collector,  
O/o. the District Collector,  
Tuticorin District.

2.The Tahsildar,  
O/o the Tahsildar,  
Thiruchendur,  
Tuticorin District.

3.The Taluk Land Surveyor,  
Udankudi,  
Thiruchendur Taluk,  
Tuticorin District.

4.R.Indra

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents Nos.1 to 3 to conduct a survey of the petitioner's land in Survey No.248/3, Ward No.1, Door No.276 in an extent of five cents situated at Semmarikulam Village, Thiruchendur Taluk, Tuticorin District by considering the petitioner's representation dated 11.09.2020 and mark the boundaries within the time stipulated by this Court.

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|-----------------|---------------------|
| For Petitioner  | : Mr.T.Thirumurugan |
| For Respondents | : Mr.S.Angappan     |
| 1 to 3          | Government Advocate |

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**ORDER**

This writ petition is filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to conduct a survey of the petitioner's land in Survey No.248/3, Ward No.1, Door No.276



measuring to an extent of five cents situated at Semmarikulam Village, Thiruchendur Taluk, Tuticorin District by considering the petitioner's representation dated 11.09.2020 and mark the boundaries within the time stipulated by this Court.

2. Heard the learned Counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate, who took notice for the respondents 1 to 3. Since this Court is not going to pass any adverse order against the fourth respondent, notice to her is dispensed with.

3. It is represented by the learned counsel appearing for the petitioner that a land measuring to an extent of five cents had been allotted to the father of the petitioner by the Government of Tamil Nadu in Survey No.248/3, Ward No.1, Door No.276 situated in Semmarikulam Village, Thiruchendur Taluk, Tuticorin District and patta was also granted in the name of the petitioner's father. After the demise of the petitioner's father, the petitioner and other brothers have constructed a house in the said land. Subsequently, one of his brothers namely Rajan also died. Thereafter, a dispute arose between the brothers of the petitioner and a suit was also filed in O.S.No.165 of 2010 on the file of the District Munsif-cum-Judicial Magistrate, Thiruchendur wherein a judgment and decree was passed declaring that the petitioner and other two brothers have  $\frac{3}{4}$  share in the said property. Even thereafter, the fourth respondent/wife of the petitioner's brother is disturbing the enjoyment of the property and hence, the petitioner made a representation on 11.09.2020 seeking to survey the land and fix the four boundaries. Though the first respondent directed the second respondent vide communication dated 18.09.2020 to take further action, no action has been taken till date. Therefore, the petitioner has come forward with the present Writ Petition.

4. Mr.S.Angappan, learned Government Advocate appearing for the respondents 1 to 3, on instructions, submitted that the first respondent had directed the second respondent vide communication dated 18.09.2020 to take further action.

5. Considering the facts and circumstances of the case and also the submission of the learned Government Advocate, the second respondent is directed to consider the representation of the petitioner dated 11.09.2020 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 completed within a period of 120 days from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

SRM

To

1. The District Collector,  
O/o. the District Collector,  
Tuticorin District.

2. The Tahsildar,  
O/o the Tahsildar,  
Thiruchendur,  
Tuticorin District.

3. The Taluk Land Surveyor,  
Udankudi,  
Thiruchendur Taluk,  
Tuticorin District.

W.P (MD) No.15357 of 2020

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**SJ** (CO)

NR (30/11/2020) 3P : 4C