



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

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

W.P. (MD)No.15311 of 2020

P.Manisekar

... Petitioner

-vs-

1.The Tahsildar,
Office of the Agastheeswaram Taluk Office,
District Collectorate Building, Nagercoil,
Kanniyakumari District - 629 001.

2.The Taluk Head Surveyor,
Office of the Agastheeswaram Taluk Office,
District Collectorate Building, Nagercoil,
Kanniyakumari District - 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 11.10.2019 and thereby direct the respondents to depute the surveyor to measure the petitioner property and earmark the same the property in the total extent of 33¾ cents and there are mentioned situated at Survey No.738/4 and 738/5 extent 23¾ cents, vide old Patta No.842 and New Patta No.1094 situated at Anjugrammam, Old Azhagappapuram Village (New Anjugrammam Village), Agastheeswaram Taluka, Kanniyakumari District.

For Petitioner	: Mr.P.Chandrasekar
For Respondents	: Mr.K.P.Krishnadoss Special Government Pleader

ORDER

This writ petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 11.10.2019 and thereby direct the respondents to depute the surveyor to measure and earmark the petitioner's property measuring to a total extent of 23¾ cents in Survey No.738/4 and 738/5, vide old Patta No.842 and New Patta No.1094 situated at Anjugrammam, Old Azhagappapuram Village (New Anjugrammam Village), Agastheeswaram Taluka, Kanniyakumari District.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents. By consent of both sides, 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 23¾ cents in Survey Nos.738/4 and 738/5 situated at Anjugrammam, Azhagappapuram Village,



Agastheeswaram Taluk, Kanyakumari District, had been purchased by the petitioner's father from one Mr.Kanddasami Devar through a registered sale deed bearing Document No.181/1980, dated 30.01.1980. The petitioner's father died on 21.09.2016 and thereafter, the patta was transferred in the names of his legal heirs. Now, in order to enter into a partition deed, the petitioner wanted to measure the property and earmark the four boundaries. Therefore, the petitioner after paying necessary fees, made a representation before the first respondent on 11.10.2019 and also made another representation before the District Collector, Kanyakumari, on 24.02.2020. Since there was no response from the respondents, the petitioner has come forward with the present Writ Petition.

4.Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents, on instructions, submitted that the petitioner was present on 22.10.2020 when survey took place and witnessed the survey. However, he has refused to tender his statement and hence, it could not be recorded. He further submitted that as the petitioner is not cooperating, no further action could be proceeded with. However, the learned Special Government Pleader submits that if the petitioner pays necessary charges for re-surveying the land, tenders statement apart from bearing the charges for photograph and videograph, re-survey will be conducted.

5.Considering the facts and circumstances of the case and also the submission of the learned Special Government Pleader, the petitioner is directed to pay necessary fees for conducting the survey and on receipt of the same, the first respondent is directed to consider the representation of the petitioner dated 11.10.2019 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.

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

Sd/-

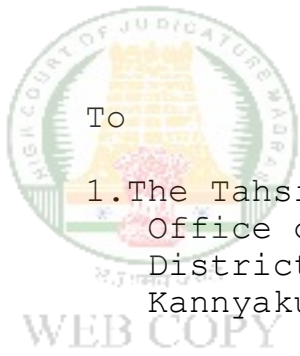
Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM



To

1.The Tahsildar,
Office of the Agastheeswaram Taluk Office,
District Collectorate Building, Nagercoil,
Kanniyakumari District - 629 001.

2.The Taluk Head Surveyor,
Office of the Agastheeswaram Taluk Office,
District Collectorate Building, Nagercoil,
Kanniyakumari District - 629 001.

+1 CC to M/s.P.CHANDRASEKARAN, Advocate (SR-21543[F] dated 09/11/2020)

+1 CC to M/s.SPL GP (SR-21489[F] dated 06/11/2020)

W.P (MD) No.15311 of 2020
05.11.2020

CK (CO)
KB (02.12.2020) 3P 5C