



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.17063 of 2020

R.Durgambal

... Petitioner

-vs-

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani Revenue Division, Palani,
Dindigul District.

2.The Tahsildar,
Taluk Office, Oddanchathiram Taluk,
Dindigul District.

3.The Taluk Surveyor,
Oddanchathiram Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second and third respondents to consider the petitioner's representation dated 13.01.2020 and to survey the land and fix the boundaries to it in Re-Survey No.53/3A, measuring to an extent of Acre 0.04.75 Cent situated at Oddanchathiram Village and Taluk, Dindigul District within the time frame fixed by this Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.P.Kannithevan

Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the second and third respondents to consider the petitioner's representation dated 13.01.2020 and to survey the land and fix the boundaries to it in Re-Survey No.53/3A, measuring to an extent of 0.04.75 cents situated at Oddanchathiram Village and Taluk, Dindigul District within the 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 the lands comprised in S.Nos.55/2A, 2B, 3A, 5A, 5B and 56/1A1, 1A2, 2A situated at Oddanchathiram Village and Taluk, Dindigul District belonged to the petitioner's grandfather. A dispute arose between the father of the petitioner and his brothers with regard to partition and thereby a civil suit in O.S.No.253 of 2001 was filed before the District Munsif Court, Palani seeking



partition. The suit was decreed by a judgment and decree dated 11.10.2001 by allotting 'C' schedule properties to the petitioner's father measuring to an extent of 1 Acre 22 Cents in S.No.55/3A; 5 cents in S.No.55/5A; 6 cents in S.No.55/5B; 1 Acre 66 Cents in S.No.55/2A; 40 cents S.No.55/2B; 25 Cents in S.No.56/1A1 and 24 Cents in 56/1A2 situated at Oddanchathiram Village and Taluk, Dindigul District and thereby the petitioner and his father become the absolute owner of the above properties. It is further submitted that the petitioner's father sold an extent of 474 sq. ft. in Re-Survey No.53/3A to one Pappathy @ V.Periyathai, W/o.Veluchamy out of an extent of 0.15 Cents. Thereafter, the petitioner wanted to survey the said land and hence, he made representations to the first respondent and to the District Collector, Dindigul, on 13.01.2020 by paying necessary fee. Since no action has been taken by the respondents, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances of the case, the second respondent is directed to consider the representation of the petitioner dated 13.01.2020 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.

5.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 Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Palani Revenue Division, Palani, Dindigul District.
- 2.The Tahsildar,
Taluk Office, Oddanchathiram Taluk, Dindigul District.
- 3.The Taluk Surveyor,
Oddanchathiram Taluk, Dindigul District.

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