



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.09.2020

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.18579 of 2019

T.Thangarasu

...Petitioner

Vs

1.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

2.The Firka Surveyor,
Pattukottai Taluk,
Thanjavur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey land and fix the boundaries pertaining to the petitioner in Survey No. 86/5A3 situated at Alathur Main Road, Naduthuru, pattukottai Taluk, Thanjavur District, within a time stipulated by this Court.

For Petitioner : Ms.D.Saranya

For Respondents : Mr.V.Anand

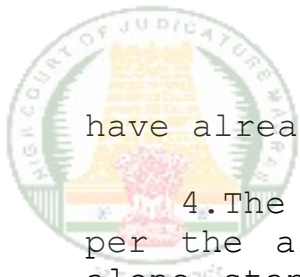
Government Advocate

ORDER

This Writ Petition is filed to direct the respondents to survey and fix the boundaries of the property in S.No.86/5A3 situated at Alathur Main Road, Naduthuru, Pattukottai Taluk, Thanjavur District.

2.According to the petitioner, he deriving title to the petition mentioned property, vide gift deed dated 27.01.2012 executed by one P.Lenin. Though he made a representation before the 1st respondent on 04.02.2019 with the relief sought for in the prayer, so far no action has been taken. Hence, the petitioner is before this Court.

3.In reply, the learned Government Advocate appearing for the respondents, on instructions, would submit that the land in S.No.86/5A3 has been subdivided as S.Nos.86/5A3A, 86/5A3B and 86/5A3C, measuring to an extent of 0.0350, 0.00054 and 0.00196 sq.mts, respectively and in respect of the same, revenue records



have already been changed.

4.The learned Government Advocate would further submit that as per the aforesaid subdivision, now the property in S.No.86/5A3A alone stands in the name of the petitioner and the property in S.Nos.86/5A3B and 86/5A3C do not stand in the name of the petitioner and stand in the name of the said Lenin. However, without submitting any relevant documents, the petitioner wants to survey and measure the entire property including S.Nos.86/5A3B and 86/5A3C, which stands in the name of the said Lenin, by claiming right over the same and that therefore, the petitioner was advised to workout his remedy before the appropriate civil Court. In this regard, he has produced a copy of the proceedings of the 1st respondent in Pa.Ve.58/2020 A7 dated 19.08.2020.

5.In reply, the learned counsel appearing for the petitioner requested this Court that liberty may be given to the petitioner to submit all the relevant documents before the 1st respondent to workout his remedy.

6.Considering the facts and circumstances of the case that the petitioner has not produced any relevant documents to survey the property including S.Nos.86/5A3B and 86/5A3C, which stands in favour of the said Lenin and in view of the submission made by the learned Government Advocate, this Court is inclined to pass the following directions:-

i) the petitioner is directed to submit all the relevant documents before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order, failing which, he can workout his remedy before the appropriate civil Court;

ii) on receipt of such documents within the time stipulated by this Court, the 1st respondent is directed to consider the petitioner's representation dated 04.02.2019 and pass appropriate orders on merits and in accordance with law as expeditiously as possible;

7.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

2.The Firka Surveyor,
Pattukottai Taluk,
Thanjavur District.

+1 CC to M/s.GP (SR-16494[F] dated 10/09/2020)

W.P. (MD) No.18579 of 2019
09.09.2020

SJ(CO)
TR(16.09.2020) 3P 4C