



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.16647 of 2015

Duraipandi Thevar

.. Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai District.

2.The Taluk/Firka Surveyor,
Usilampatti Taluk,
Madurai District.

3.The Inspector of Police,
Usilampatti Police Station,
Madurai District.

4.V.Chellapandi

5.V.Chandran

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to survey and sub divide the land, measuring 0.03.5 Ares in S.No.223/2A in Aariyapatti Village, with the aid of police protection from the 3rd respondent and to issue separate patta to the petitioner, within a time to be fixed by this Court.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.A.Thiyagarajan for R1 to R3

Government Advocate

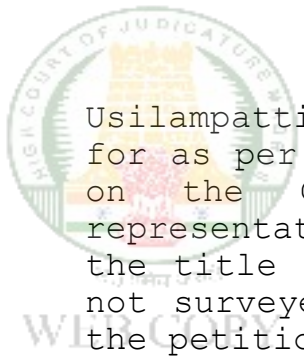
No Appearance for R4 and R5

ORDER

This writ petition is filed for issuing a writ of Mandamus to direct the respondents 1 and 2 to survey and sub divide the land, measuring 0.03.5 ares in S.No.223/2A in Aariyapatti Village, with the aid of police protection from the third respondent and to issue separate patta to the petitioner.

2.The petitioner states that an extent of 0.03.5 hectares in S.No.223/2A in Aariyapatti Village is the ancestral property of the petitioner. It is seen that due to dispute between the petitioner and others, the petitioner was constrained to file a suit in O.S.No.163/1995 for declaration of his title and for consequential

injunction before the District Munsif cum Judicial Magistrate No.I,



Usilampatti. The suit filed by the petitioner was decreed as prayed for as per the judgment of this Court in S.A.No.580 of 2009. Based on the Civil Court's decree, the petitioner submitted a representation on 18.08.2015 for sub division of the property as per the title deed with police protection. Since the respondents have not surveyed the land as per the representation of the petitioner, the petitioner has preferred the above writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the Tahsildar to consider the petitioner's application for sub division and pass appropriate orders in accordance with law within the time stipulated by this Court.

4.Having regard to the limited scope of the prayer that is now sought before this court by the learned counsel for the petitioner, without expressing any opinion on the representation of the petitioner, dated 18.08.2015, this Court is inclined to issue the following direction.

(i)The first respondent/Tahsildar is directed to consider the petitioner's representation, dated 18.08.2015, on merits and in accordance with law, within a period of eight weeks from the date of receipt of the copy of this order.

(ii)The first respondent shall pass appropriate orders regarding subdivision of property, in case there is no rival claim to the property in dispute. Even if there is a dispute, it is open to the first respondent to consider the petitioner's claim, if it is supported by documents showing his ownership over the property as per revenue records. If more persons have been shown as owners as per revenue records, the first respondent is directed to issue notice to all those who are interested.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

- 1.The Tahsildar,Usilampatti Taluk,Madurai District.
- 2.The Taluk/Firka Surveyor,Usilampatti Taluk,Madurai District.
- 3.The Inspector of Police,Usilampatti Police Station, Madurai Dt
- +1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-2536[F]
- +1 CC to M/s.SPL GP (SR-2896[F] dated 24/01/2020)

W.P.(MD).No.16647 of 2015

22.01.2020