



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD) No.18372 of 2020

T.Viduthalai

... Petitioner

Vs.

1.Tahsildar
Tahsildar Office,
Aundipatty,
Theni District.
2.The Taluk Surveyor,
Tahsildar office,
Aundipatty,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to issue patta to the petitioner after conducting the survey in petitioner's land having extent of 1 acre and 29 cents situated in Survey Nos.896/1, 869/20 and 896/2, at Kannur Village, Aundipatty Taluk, Theni District on considering the petitioner's representation dated 29.06.2018.

For Petitioner

:Mr.J.Selvin Rajesh

For Respondents

:Mr.C.M.Marichelliah Prabhu

Additional Government Pleader

ORDER

The petitioner seeks for a direction to issue patta in the petitioner's name in respect of the property in question, by considering his representation dated 29.06.2018.

2.The learned counsel appearing for the petitioner would submit that the petitioner purchased the land in Survey Nos.896/1, 869/20 and 896/2 measuring an extent of 1 acre and 29 cents situated at Kunnur Village, Aundipatty Taluk, Theni District, from one Rajendran by way of registered sale deed. From the date of purchase, the petitioner was in possession and enjoyment of the land. Therefore, the petitioner has made a representation to the first respondent to survey and fix the boundaries and to issue patta in respect of the said land. Since no order is passed by the first respondent, the petitioner is before this Court.

3.According to the learned Additional Government Pleader, in the counter affidavit, it has been stated that the respondents have given notice on 21.07.2018 to conduct survey. On the same day, there was an objection from one Pappammal and others and they are in possession and enjoyment of the land for several years. As there was an objection from one Pappammal, survey could not be conducted.



4.The learned Additional Government Pleader further submits that the first respondent will pass appropriate order on the representation of the petitioner dated 29.06.2018 as early as possible.

5.Recording the submission of the learned Additional Government Pleader, without expressing any opinion on the merits of the matter, there will a direction to the first respondent to consider the representation of the petitioner, dated 29.06.2018, and pass orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order. Such an exercise shall be done after conducting enquiry and putting all the interested persons on notice.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.Tahsildar
Tahsildar Office,
Aundipatty,
Theni District.

2.The Taluk Surveyor,
Tahsildar office,
Aundipatty,
Theni District.

+1 CC to M/s.GP (SR-13905[F] dated 12/08/2020)

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06.08.2020

KB(19.08.2020) 2P 4C