



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 16804 of 2019
and W.M.P.No.25200 of 2020

R. Senthil Murugan

..Petitioner

Versus

1. The Collector,
Tindivanam Collectorate,
Villupuram District.

2.The Tahsildar,
Marakanam, Villupuram District.

3.The Surveyor,
(Land and Survey)
Marakanam, Villupuram District.

4.Vinobha

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2&3 to survey and fix boundaries for the petitioner's land in New Survey Nos.132/4, 125/3, 54/3, 127/1 at Chettikuppam and Seyakuppam Village, Marakanam, Villupuram District and correct the patta register, based on the settlement deed dated 05.11.1990 vide Doc.No.1483/1990 and Will dated 16.12.1992 vide Doc. No.43/1992 SR0, Marakanam, in pursuance of the petitioner's representation dated 07.05.2018.

For Petitioner : Mr.K.S. Ilangovan

For R1 to R3 : Mr.K.M.D.Muhilan
Government Advocate



O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents 2 & 3 to survey and fix boundaries for the petitioner's land in New Survey Nos.132/4, 125/3, 54/3, 127/1 at Chettikuppam and Seyakuppam Village, Marakanam, Villupuram District and correct the patta register, based on the settlement deed dated 05.11.1990 vide Doc.No.1483/1990 and Will dated 16.12.1992 vide Doc. No.43/1992 SRO, Marakanam, in pursuance of the petitioner's representation dated 07.05.2018.

2. The case of the petitioner is that the petitioner was living with Joint Family, and his grand father Rajasegara Gramini owned certain properties in Chettikuppam and Seyakuppam Village, Marakkanam, which are his self acquired properties. His grandfather died on 14.12.1999. During his life time, his grandfather executed two settlement deeds dated 05.11.1990 registered as Doc.No.1483/1990 and Will dated 16.12.1992 vide registered as Doc.No.43/1992 on the file of SRO, Marakkanam. Subsequently, the petitioner, his mother and brother are in joint possession and enjoyment of the properties. In the meanwhile, the 4th respondent is his paternal uncle, has influenced and obtained patta in his name fraudulently. Hence, the petitioner made a representation to the respondents on 07.05.2018 to survey the land and issue patta by cancelling the earlier fraudulent patta given to the 4th respondent. but the 1st respondent has not taken any steps in this regard. Hence, the petitioner has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 07.05.2018 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a



direction to the respondents 2 & 3 to consider the petitioner's representation dated 07.05.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To

- 1.The Collector,
Tindivanam Collectorate,
Villupuram District.
- 2.The Tahsildar,
Marakanam,Villupuram District.
- 3.The Surveyor,
(Land and Survey)
Marakanam, Villupuram District.

+1CC to M/s.Achari & Antoni Associates, Advocate, SR.No. 42357
+1CC to The Government Pleader, SR.No. 42677
+1CC to M/s.P.Subba Reddy, Advocate, SR.No. 42589

W.P.No. 16804 of 2019

SJ(CO)
B.VC (30/09/2021)