



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.21169 of 2021

M.Prakash

...Petitioner

Vs.

1.The Tahsildar,
Sankari Taluk, Salem District,

2.The Field Surveyor/ Firka Surveyor,
Ernapuram Village, Sankari Taluk,
Salem District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to survey the petitioner's land totaling to an extent of 58 Cents, comprised in Survey Nos.92/2 and 92/1B situated at Me.Kalipatty Village, Mettur Taluk, Salem District, based on the registered Document Nos.2922 of 2021 and 2924 of 2021, dated 06.08.2021 on the file of Sub Registrar Office, Mechery, Mettur Taluk, Salem District, by fixing the boundaries within a stipulated time, by considering the petitioner's representation/Application No.2021/0105/08/228471 dated 10.08.2021 (Acknowledgment Receipt No.TNIGRS/2021/Rural/22443184/06082021153133 dated 06.08.2021).

For Petitioner : Mr. N. Vijaya Basker

For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to survey the petitioner's land totaling measuring to an extent of 58 Cents, comprised in Survey Nos.92/2 and 92/1B situated at Me.Kalipatty Village, Mettur Taluk, Salem District, based on the registered Document Nos.2922 of 2021 and 2924 of 2021 dated 06.08.2021 on the file of Sub Registrar Office, Mechery, Mettur Taluk, Salem District, by fixing the boundaries within a time frame, by considering the



petitioner's representation/Application No.2021/0105/08/228471
dated 10.08.2021 (Acknowledgment Receipt
No.TNIGRS/2021/Rural/22443184/ 06082021153133. dated 06.08.2021).

2. The case of the petitioner is that the property in Survey No.92/2, Me.Kalipatty Village, Mettur Taluk, Salem District measuring to an extent of 10 Cents (4360 Sq.Ft.) originally belongs to his father namely D.Muthaiyan, who inturn executed a registered Gift Settlement Deed in favour of the petitioner in Document No.2922 of 2021, dated 06.08.2021 on the file of Sub Registrar Office, Mechery, Mettur Taluk, Salem District. The petitioner further states that the land measuring to an extent of 30 1/4 Cents, comprised in Survey No.92/2 (Document No.45/1991 dated 24.01.1991) and the land measuring to an extent of 14 Cents (6104 Sq.ft.) comprised in Survey No.92/1B (Doc.No.3452/2010 dated 23.09.2010) and the land measuring to an extent of 1768 Sq.ft. comprised in Survey No.92/1B (Document No.263/2012 dated 23.01.2012), totaling to an extent of 21,049 Sq.ft. (48 Cents) situated at Me.Kalipatty Village, Mettur Taluk, Salem District, was belongs to the petitioner's mother namely Amuthavalli, who intrun executed a Gift Settlement Deed in favour of the petitioner vide Document No.2924 of 2021 dated 06.08.2021 on the file of Sub Registrar, Me.Kalipatty Village, Mettur Taluk, Salem District. After execution of the said deed, the petitioner is in absolute possession and enjoyment of the property totaling to an extent of 58 Cents. While so, the petitioner gave a representation/Application No. No.2021/0105/08/228471 dated 10.08.2021 along with the acknowledgment receipt No.TNIGRS/2021/Rural/22443184/06082021153133 dated 06.08.2021 to the first respondent for transferring patta in favour of petitioner's name and to mutate all Revenue Records and he had also paid all the necessary fees for the same. Till date, no action has been taken by the respondents on the petitioner's representation. Therefore, he has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 10.08.2021 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 to consider the petitioner's representation dated 10.08.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of four months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gba

- 1.The Tahsildar,
Sankari Taluk,
Salem District,
- 2.The Field Surveyor/ Firka Surveyor,
Ernapuram Village, Sankari Taluk,
Salem District.

W.P.No.21169 of 2021

NK (CO)
PR (10/11/2021)