



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.23254 of 2021

J.Kannan

... Petitioner

Vs.

The Tahsildar,
Mettupalayam,
Coimbatore District

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to survey and demarcate the property of the petitioner in Survey Nos.278, 279/1A, 279/1D, 279/1C, 614/2 at 6/172, of Karamadai Village, Mettupalayam Taluk, Coimbatore District measuring an extent of 5.50 acres and to issue separate patta based on the representation of the petitioner dated 06.10.2021, within a reasonable time.

For Petitioner : Mr.A.E.Ravichandran

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The present Writ Petition is filed for issuance of a Writ of Mandamus directing the respondent to survey and demarcate the property of the petitioner in Survey Nos.278, 279/1A, 279/1D, 279/1C, 614/2 at 6/172, of Karamadai Village, Mettupalayam Taluk, Coimbatore district measuring an extent of 5.50 acres and to issue separate patta based on the representation of the petitioner dated 06.10.2021, within a reasonable time.

3. The brief facts of the case is that the petitioner's father and the brother of the petitioner's father were in



possession of 15.57 ½ acres of punja lands and 2.24 acres of private pathway along with Wells in Survey SF.Nos.278, 279/1A, 279/1D, 279/1C, 614/2 of Karamadai Village, Mettupalayam Taluk, Coimbatore District and the same were purchased from one Somasundaram Pillai through a registered sale deed dated 21.10.1963 (Doc.No.1663 of 1963 of SRO, Mettupalayam) and they also discharged the mortgage debt due in O.S.No.886 of 1972 on the file of Sub Court, Coimbatore. The father and his brother of the petitioner were in possession and enjoyment of the property till their life time and after their demise, their legal heirs including the petitioner divided the properties by entering into registered partition deeds dated 15.07.1987 and 10.08.1987 and are in possession and enjoyment of the said property. Out of the total extent mentioned above, the petitioner as well as other legal heirs had sold 12.58 acres of land in the year 2007 to 2010 to one Vijayakumar and Murugesan and now, the petitioner and other legal heirs were in possession of about 5.50 acres of land.

4. It is also the case of the petitioner that though the petitioner and other legal heirs have partitioned the properties, yet they find difficult to enjoy their respective properties in the absence of correct demarcation of the properties. Hence the petitioner submitted representations dated 08.09.2021 and 30.09.2021 for subdivision and demarcation of the property, however, no action was taken by the respondent. Once again a very detailed representation dated 06.10.2021 was given by the petitioner requesting to measure and demarcate the properties to an extent of 5.50 acres and to issue patta, though the said representation was received by the respondent on 07.10.2021, the authorities have not taken any steps to instruct the surveyor under their control to measure the property and demarcate the same by laying boundary stones and to issue separate patta in favour of the petitioner. Left with no other option, the petitioner is before this Court.

5. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the respondent to consider the petitioner's representation dated 06.10.2021 and dispose of the same within a stipulated time that may be framed by this Court.

6. Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondent, on instructions from the officer of the respondent/Department submitted that a direction may be issued to the respondent to consider the prayer of the petitioner and sixteen weeks time may also be granted to the respondent to consider the same.

7. 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 second respondent to consider the petitioner's representation dated 06.10.2021, measure the subject property, after issuing notice and affording opportunity of personal hearing to all the parties concerned and pass appropriate orders, on merits and in accordance with law within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

ssd

To

The Tahsildar,
Mettupalayam,
Coimbatore District

+1cc to Mr.A.E.Ravichandran, Advocate, S.R.No.55888

+1cc to the Government Pleader, S.R.No.56626

W.P.No.23254 of 2021

SRA (CO)
SU (24/11/2021)