



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.7566 of 2021

(Through Video Conference)

Thangasamy

...Petitioner

Vs.

1. The Tahsildhar,
Alankulam Taluk,
Tenkasi District.

2. The Taluk Surveyor,
Alankulam Taluk,
Tenkasi District.

3. The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent no.2 to survey the petitioner's property comprised in Survey No.1602/2A, 8A, 8C1, 9A, 9C at Ramanathapuram, Keelapavoor II Village, Alankulam, Tenkasi District and fix the boundary stones and consequentially direct the respondent no.3 to provide police protection to the respondent no.2 during survey within the stipulated time prescribed by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus directing the second respondent to conduct survey based on the representation submitted by the petitioner on 18.05.2020.

2. The case of the petitioner is that he had purchased the subject property by virtue of registered sale deeds dated 16.05.1991 and 11.07.1991 and he is in possession and enjoyment of the same. The petitioner executed a settlement deed in favour of his son through a registered document, dated 30.01.2017. The further case of



the petitioner is that the patta also stands in his name. The petitioner wanted the patta to be transferred in the name of his son by virtue of the settlement deed executed by him.

3. The petitioner made a representation to the respondents seeking for the survey of the property and for fixing the boundary stones and also to change the patta in the name of his son. The petitioner also paid the necessary fees for conducting the survey and the second respondent also issued notice fixing the date for survey. The grievance of the petitioner is that the survey is yet to be conducted and as a result of the same, the patta has not been transferred in the name of his son. Left with no other alternative, the present petition has been filed before this Court, seeking for appropriate directions.

4. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the respondent nos.1 & 2 to act upon the representation made by the petitioner on 18.05.2020 and proceed further to survey the property, if the fees has already been paid, and final orders shall be passed regarding the transfer of the patta in the name of the son of the petitioner, within a period of eight (08) weeks from the date of conducting the survey. If any third party rights are involved, the first and second respondents shall also issue notice to them before proceeding further in this case.

6. The petitioner is directed to make a fresh representation to the first and second respondents along with all the relevant documents and also a copy of this order.

7. The writ petition is disposed of with the above directions. However, there shall be no order as to costs.

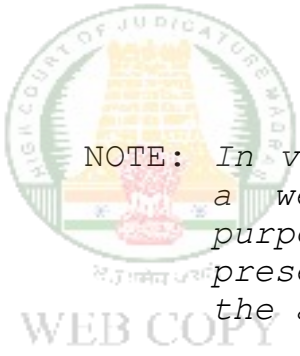
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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. The Tahsildhar,
Alankulam Taluk,
Tenkasi District.
2. The Taluk Surveyor,
Alankulam Taluk,
Tenkasi District.
3. The Inspector of Police,
Pavoorchatram Police Station,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-15457[F] dated 08/04/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-15478[F] dated 08/04/2021)

Order made in
W.P. (MD) No.7566 of 2021
Dated:07.04.2021

AK(26/02/2021) 3P 6C