



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7631 of 2021

WEB COPY

S.Mayileri

...Petitioner

Vs.

1. The Tahsildar,
Tuticorin Taluk, Tuticorin District.

2. The Surveyor,
Taluk Office, Tuticorin Taluk,
Thoothukudi District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey the petitioner's land comprised in Survey No.1563/7D1A, situated at Mudiavaithanenthall Village, Tuticorin District to an extent of 40.75 cents and fix the boundary on the basis of the petitioner's representation dated 06.03.2021.

For Petitioner : Mr.P.Banuprasath

For Respondents : Mr.D.Muruganantham

Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 06.03.2021, wherein, the petitioner has sought for surveying the subject property and to fix the boundaries.

2. The case of the petitioner is that the subject property originally was a joint family property and the same was partitioned subsequently and the subject property was allotted in favour of the mother of the petitioner by means of a registered partition deed dated 13.09.1988. Thereafter, the mother of the petitioner executed a registered deed settling the property in favour of the petitioner on 16.11.2011. The further case of the petitioner is that he applied for issuance of joint patta to the first respondent and patta was also issued in Patta No.280.

3. The petitioner wanted to fence his property and therefore, he made an application before the respondents seeking for conducting survey and to fix the boundaries. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.



4. Heard Mr.P.Banuprasath, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing on behalf of 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 first respondent to consider the representation made by the petitioner on 06.03.2021 and take a decision with regard to conducting survey in the subject property within a period of eight (8) weeks from the date of receipt of a copy of this order. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

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

7. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

To

1. The Tahsildar,
Tuticorin Taluk, Tuticorin District.

2. The Surveyor,
Taluk Office, Tuticorin Taluk,
Thoothukudi District.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-15579[F] dated 09/04/2021
+1 CC to M/s.SPL GP (SR-15635[F] dated 09/04/2021)

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.

Order made in

W.P. (MD) .No.7631 of 2021

Dated:

08.04.2021