



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8101 of 2021

P.Renganathan

...Petitioner

Vs.

1. The Tahsildar.
Madurai South Taluk, District Collectorate,
Madurai-625 020.

2. The Head Surveyor,
Madurai South Taluk,
District Collectorate,
Madurai-625 020.

... 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 in Survey No.39/5A and 39/5B to the extent of 38 cents and 2 ½ cents respectively, situated at Kallampal Village, Madurai South Taluk, Madurai District, by measuring the cross measurement between nine corners in Survey No.39/5A, based on the representation, dated 23.03.2021 and to videograph the entire survey process, within the time stipulated by this Court.

For Petitioner : Mr.R.Aravind Raj

For Respondents : Mr.M.Muniasamy
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to act upon the representation made by the petitioner on 23.03.2021, wherein, the petitioner has sought for the survey of the subject property and for fixing the boundaries.

2. The case of the petitioner is that the subject property was originally purchased by the mother of the petitioner and thereafter, there was an oral partition among the family members and Survey No.39/5A was allotted in favour of the petitioner in the year 1997. The further case of the petitioner is that the petitioner is in peaceful possession and enjoyment of the property and he also got a patta mutated in his name in Patta No.38. It is further stated



that the petitioner also purchased the property in Survey No.39/5B, measuring an extent of 2 ½ cents, through a registered sale deed, dated 24.11.2004 and the petitioner was also issued patta in Patta No.101.

3. In the mean time, there was an intervention by a third party, named, Sekar, which resulted in a suit being filed in O.S.No.187 of 2014, seeking for the relief of permanent injunction. According to the petitioner, the said suit was decreed by judgment and decree dated 03.03.2015.

4. The petitioner, thereafter, made an application seeking for survey of the subject property in Survey Nos.39/5A and 39/5B, in order to put a fence around the property. The petitioner also claims to have paid necessary charges on 23.03.2021. The grievance of the petitioner is that the respondents have not acted upon the application submitted by the petitioner and hence, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.R.Aravind Raj, learned counsel appearing on behalf of the petitioner and Mr.M.Munisamy, learned Additional Government Pleader appearing on behalf of the respondents.

6. 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 respondents to act upon the representation made by the petitioner on 23.03.2021 and consider the same on its own merits and in accordance with law and take a decision within a period of four (4) weeks from the date of receipt of a copy of this order. The respondents shall give opportunity to the petitioner as well as to the rival claimant, namely, Sekar, before taking a decision.

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

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



tsg

To

1. The Tahsildar.

Madurai South Taluk, District Collectorate,
Madurai-625 020.

2. The Head Surveyor,

Madurai South Taluk,
District Collectorate,
Madurai-625 020.

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.8101 of 2021

Dated:

20.04.2021

RK (29.04.2021) 3P 3C