



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8485 of 2021

K.Muthupandi

... Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.

2. The Tahsildar,
Madurai South Taluk, Madurai, Madurai District.

3. The Taluk Surveyor (Land Survey),
Madurai South Taluk, Madurai, Madurai District.

4. The Inspector of Police,
Theppakulam Police Station, Madurai, Madurai District.

5.Muthu Erulayee

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey the land in Survey No.62-7 H at Viraganoor Village, Madurai South Taluk, in respect of Patta Nos.143 and 442 respectively in the light of the petitioner's representation dated 04.06.2020.

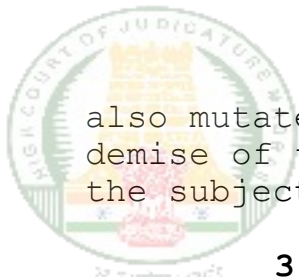
For Petitioner : Mr.A.S.Krishnan

For R-1 to R-4 : Mr.B.Bhagawathy
Government Advocate

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 04.06.2020, wherein, the petitioner is seeking for the survey of the subject property,

2. The case of the petitioner is that the subject property was originally purchased by his grandfather in the year 1910. Subsequently, the property vested in favour of the father of the petitioner, and according to the petitioner, the revenue records were



also mutated in the name of his father. It is stated that after the demise of the father of the petitioner, the petitioner has inherited the subject property and the patta also stands in his name.

3. The grievance of the petitioner is that the fifth respondent made an attempt to encroach upon the property of the petitioner. The petitioner in order to avoid any confusion, made an application before the respondents 1 to 4 seeking for survey of the subject property and for fixing the boundaries as per the title deeds and as per the patta granted in favour of the petitioner. It is further stated that the petitioner also paid the necessary charges and the first and second respondents issued notice to all the parties concerned. Thereafter, there was no development and the property was not surveyed and left with no other option, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.A.S.Krishnan, learned counsel appearing on behalf of the petitioner and Mr.B.Bhagawathy, learned Government Advocate appearing on behalf of the respondents 1 to 4.

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 second respondent to consider the representation made by the petitioner on 04.06.2020 and take a decision with regard to the survey of the subject property, in accordance with law, after affording opportunity to the petitioner and the fifth respondent and any other interested parties within a period of four weeks from the date of receipt of a copy of this order.

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

7. This Writ Petition stands disposed of accordingly. No 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.

tsg

To

1. The District Collector,
Madurai District, Madurai.
2. The Tahsildar,
Madurai South Taluk, Madurai, Madurai District.
3. The Taluk Surveyor (Land Survey),
Madurai South Taluk, Madurai, Maduria District.
4. The Inspector of Police,
Theppakulam Police Station, Madurai, Madurai District.

+1 CC to M/s.SPL GP (SR-17758[F] dated 27/04/2021)

Order made in
W.P. (MD) .No.8485 of 2021
Dated:
26.04.2021

GS (19.05.2021) 3P 6C