



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9170 of 2021

C.Natarajan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Singampunari Taluk,
Singampunari,
Sivagangai District.

3.The Tahsildar,
Thirupathur Taluk,
Thirupathur,
Sivagangai District.

4.The District Surveyor,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to furnish the copy of the survey report dated 16.03.2001 prepared by the third respondent and his subordinates in pursuance of the survey of the petitioner's land comprised in Survey No.670/13 measuring about 40 cents situated Maruthipatti Village, Murayur Post, Singampunari Taluk, Sivagangai District, within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.P.Thillak Kumar,
Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.



3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents to furnish the copy of the survey report dated 16.03.2001 prepared by the third respondent and his subordinates in pursuance of the survey of the petitioner's land comprised in Survey No.670/13 measuring about 40 cents situated Maruthipatti Village, Murayur Post, Singampunari Taluk, Sivagangai District.

4. According to the petitioner, the petitioner and his brothers are the absolute owner of the property comprised in Survey No.670/13 measuring about 40 cents situated at Maruthipatti Village, Murayur Post, Singampunari Taluk, Sivagangai District. After verifying the title and possession in respect of the suit property, the revenue authorities issued joint patta to the petitioner and his brother. The petitioner and his brother have been in possession and enjoyment of the said property for more than time immemorial. Since oral partition has been taken place between the petitioner and his brother, the petitioner had applied for demarcation of the said property before the third respondent in the year 2001. Therefore, the third respondent, on receipt of the petitioner's application along with the receipt for the payment of demarcation charges, had issued notice dated 05.03.2021 to the petitioner stating that survey is to be held on 16.03.2021 at 11.00 a.m. Subsequently, the revenue officials conducted survey along with the surveyor and submitted the report to the third respondent. After demarcation of the property, the petitioner and his brother have been in possession and enjoyment of their respective shares in the said property. Since the third respondent has not furnished the copy of the report to the petitioner, the petitioner has made representations to the third respondent to furnish the copy of the report to him. On 03.02.2021, the petitioner met the third respondent at his office and requested to furnish the copy of the said report. But the third respondent informed that Thirupathur Taluk was bifurcated by the Government of Tamilnadu and Singampunari Taluk was formed and all the files and records were sent to the second respondent. In this regard, the petitioner has sent a representation to the second respondent on 12.02.2021. Subsequently, on 15.02.2021, the petitioner has sent representation to the first and fourth respondent for furnishing the copy of the said report. Since no action was taken, the Writ Petition came to be filed.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.



7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in the representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 15.02.2021, on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order

8. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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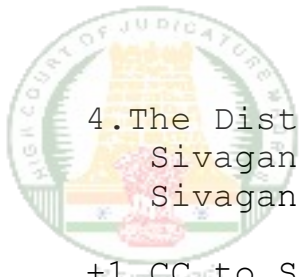
Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Singampunari Taluk,
Singampunari,
Sivagangai District.

3.The Tahsildar,
Thirupathur Taluk,
Thirupathur,
Sivagangai District.



4.The District Surveyor,
Sivagangai District,
Sivagangai.

+1 CC to SPL GP (SR-18831[F] dated 04/06/2021)

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