



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14563 of 2021

WEB COPY

Annadurai .. Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul.

2. The Tahsildar,
Tahsildar Office,
Vedasandur Taluk,
Dindigul District.

3. The Head Surveyor,
Tahsildar Office,
Vedasandur Taluk,
Dindigul District.

4. Manickam ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to survey and fixed the boundary stones of his land in Survey Nos.1142/2,1142/10,1143, 1427/1, 1140/2, 1141/2, 1142/9, 1142/12,1142/14,1144/1 and 1142/6 is situated at Padiyur Village, Vedasanthur Taluk, Dindigul District by considering the petitioner's representation dated 13.02.2021 within a time frame stipulated by this Court.

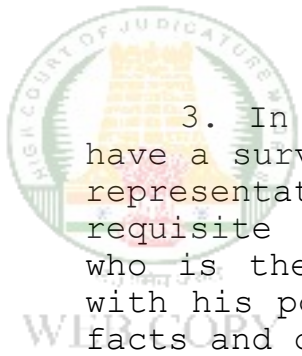
For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.P.Subbaraj, Counsel for the State.
for R1 to R3.

O R D E R

The petitioner seeks a survey of the lands in several survey numbers at Padiyur Village, Vedasanthur Taluk, Dindigul District.

2. The petitioner traces title to the aforesaid properties to a partition deed dated 22.05.1979, bearing Document No.709 of 1979. In addition, the petitioner draws reference to Patta Nos.2042, 6272, 2665 and 2025. It is stated that such pattas were issued either exclusively in the name of the petitioner's father or jointly in the name of the petitioner's father and uncle.



3. In order to fence the property, the petitioner intended to have a survey undertaken. In this regard, the petitioner submitted a representation to the second respondent and also remitted the requisite fee. According to the petitioner, the fourth respondent, who is the owner of the adjacent land, has frequently interfered with his possession. The present writ petition is filed in the said facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He states that the petitioner's representation may be considered and disposed of on merits after providing an opportunity to the fourth respondent and any other persons who are interested in such land.

5. The documents on record include four pattas. While Patta Nos.2042 and 2025 have been issued exclusively in the name of one Ramasamy, Patta Nos.6272 and 2665 have been issued jointly in the name of Ramasamy and Sithuraman. In addition, the facts on record disclose that there is a dispute between the petitioner and the fourth respondent. Consequently, the fourth respondent should be heard by the Tahsildar.

6. Subject to the above observations, without going into the merits of the matter, the respondents 2 and 3 herein are directed to consider the petitioner's representation dated 13.02.2021 and dispose of the same by a reasoned order within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the fourth respondent, other joint pattadars, and persons owning adjoining properties, who may be affected by the survey and boundary fixation.

7. W.P(MD).No.14563 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. The District Collector,
Dindigul District, Dindigul.

2. The Tahsildar,
Tahsildar Office,
Vedasandur Taluk,
Dindigul District.

<https://hcservices.dindigul.gov.in/hcservices/>



3. The Head Surveyor,
Tahsildar Office,
Vedasandur Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-26654[F] dated 18/08/2021)

W.P. (MD) No.14563 of 2021
17.08.2021

GC (27.08.2021) /3P/5C