



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.13547 of 2021

Union Bank of India,
Formerly Corporation Bank,
40, 55, Beach Road Branch,
Mathakoil, Tuticorin,
Tuticorin District,
Rep. through its
The Authorized Officer,
A.R.Saravanan.

... Petitioner

Vs.

1.The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.

2.The Head Surveyor,
Tiruchendur Taluk,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey the petitioner Bank's property in Survey No.229/1's southern part in an extent of 85 cents out of larger extent 4.70 Acres in Kandasampuram Village, Tiruchendur Taluk, Tuticorin District based on the application and fees paid on 23.06.2021 within a time frame fixed by this Court.

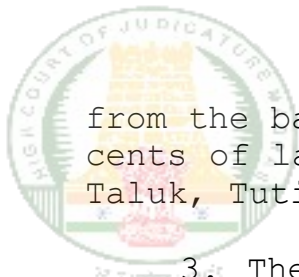
For Petitioner : Mr.V.S.Karthic,
for M/S Karthi Associates,

For Respondents : Mr.R.Baskararn,
Counsel for State.

ORDER

The petitioner seeks a direction for the survey of a property which is mortgaged to the petitioner bank.

<https://hcservices.courts.gov.in/hcservices/> 2. The petitioner states that Mrs.Vaigaiveni availed of a loan



from the bank by providing security in the form of a mortgage over 85 cents of land in Survey No.229/1, Kandasampuram Village, Tiruchendur Taluk, Tuticorin District.

3. The petitioner asserts that the creation of the mortgage is evidenced by the registration of the Memorandum of Deposit of Original Title Deeds dated 16.03.2016 bearing document No.645 of 2016. A sale certificate dated 19.05.2021 has also been issued in favour of the purchaser. In these circumstances, the bank seeks a direction for the survey of the property. It is also stated that an application has been submitted in such regard on 23.06.2021 by remitting the requisite fees.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents.

5. Upon considering the aforesaid submissions and on examining the relevant document, it appears that the bank is indeed the mortgagee in respect of the property in question as evidenced by the registered Memorandum of Deposit of Original Title Deeds executed by the mortgagor. Consequently, the petitioner has an interest in the property in respect of which the survey is requested.

6. Accordingly, the respondents herein are directed to conduct a survey of the property in Survey No.229/1 admeasuring an extent of 85 cents out of a larger extent of 4.70 acres in Kandasampuram Village, Tiruchendur Taluk, Tuticorin District. Such survey shall be conducted after putting on notice the owner of the land, the purchaser, the owners of the adjacent parcels of land in survey No.229/1 and any others who would be affected thereby. Such survey shall be completed within a period of two months from the date of receipt of a copy of this order.

7. W.P.(MD).No.13547 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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.



To:

1.The Tahsildar,
Tiruchendur Taluk,
Tuticorin District.

2.The Head Surveyor,
Tiruchendur Taluk,
Tuticorin District.

+1 CC to M/s.GP (SR-25494[F] dated 06/08/2021)

W.P(MD)No.13547 of 2021
05.08.2021

MGJ(16.08.2021) 3P 4C