



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14139 of 2021

WEB COPY

Hariharan

... Petitioner

Vs.

1. The District Collector,
Collectorate, Tirunelveli.
2. The Corporation Commissioner,
O/o. The Corporation Commissioner,
Tirunelveli Corporation,
Tirunelveli.
3. The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli.
4. The Head Surveyor,
Tirunelveli Taluk Office,
Tirunelveli.
5. The Village Administrative Officer,
O/o. The Village Administrative Officer,
Thatchanallur, Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 and 4 to survey the petitioner's land in Survey Nos.98/2B1A,28/2B2A, 98/4 which is situated at Chathiram Pudukkulam, Thachanallur, Tirunelveli Taluk, Tirunelveli District with extent about 8 cents by considering the petitioner's representation dated 08.07.2021.

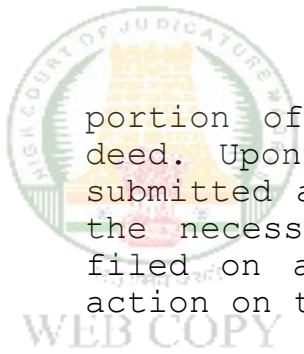
For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.P.Subbaraj, Counsel for State

O R D E R

The petitioner seeks a survey of his land bearing Survey Nos.98/2B1A,28/2B2A, 98/4 which is situated at Chathiram Pudukkulam, Thachanallur, Tirunelveli Taluk, Tirunelveli District.

2. The petitioner traces his title to the aforesaid property to a registered partition deed executed on 23.04.1993 under Document No.2143/1993. The petitioner claims that his father acquired a



portion of a larger extent of property under the said partition deed. Upon the death of his father on 27.02.2021, the petitioner submitted a representation for survey of the land and also remitted the necessary fees in such regard. The present writ petition is filed on account of the failure of the third respondent to take action on the petitioner's representation.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents.

4. Apart from the partition deed bearing Document No.2143/1993, the only documents filed by the petitioner are the death certificate and legal heirship certificate relating to his father. In other words, the patta relating to the property bearing the relevant survey numbers has not been enclosed. Therefore, a positive direction cannot be issued and the Tahsildar may have to examine whether the petitioner is in a position to establish title to the property. It may also have to be examined whether there are rival claimants.

5. In the aforesaid facts and circumstances, the third respondent herein is directed to consider the petitioner's representation dated 08.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and to any other person who would be affected by such decision. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6. W.P(MD).No.14139 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. The District Collector,
Collectorate, Tirunelveli.
2. The Corporation Commissioner,
O/o. The Corporation Commissioner,
Tirunelveli Corporation,
Tirunelveli.



3. The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli.

4. The Head Surveyor,
Tirunelveli Taluk Office,
Tirunelveli.

5. The Village Administrative Officer,
O/o. The Village Administrative Officer,
Thatchanallur, Tirunelveli.

+1 CC to M/s.GP (SR-26385[F] dated 16/08/2021)

W.P. (MD) No.14139 of 2021

12.08.2021

RK (23.08.2021) 3P 7C