



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.14460 of 2021

Rajagopal

... Petitioner

Vs.

1. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
2. The Taluk Head Surveyor,
Radhapuram Taluk,
Tirunelveli District.
3. The Taluk Firka Surveyor,
Taluk Office Levengepuram Village,
Radhapuram Taluk,
Tirunelveli District.
4. The Inspector of Police,
Pazhavur Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to survey and demarcate the properties comprised in Survey Nos.185/1, 185/2 and 185/3 to an extent of 40 Cents, situated at Karungulam Village, Radhapuram Taluk, Tirunelveli District, by considering the petitioner's representation dated 02.08.2021 submitted to the respondents, within the time frame that may be fixed by this Court.

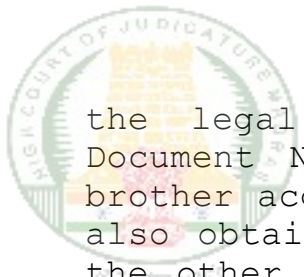
For Petitioner : Mr.S.Vikram

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

O R D E R

The petitioner seeks a survey of the properties in Survey Nos.185/1, 185/2 and 185/3 at Karungulam Village, Radhapuram Taluk, Tirunelveli District.

2. The petitioner traces title to the said properties to his grandfather Thangapandi Nadar, who is said to have been purchased the said properties under three registered sale deeds bearing Document Nos.2759, 1920 and 2046 of 1920. Thereafter, it is stated that his grandfather partitioned the said properties in favour of



the legal heirs under a registered partnership deed bearing Document No.3222/1960. According to the petitioner, he and his brother acquired title to the property bearing Survey No.185/2 and also obtained Patta No.805 in respect thereof. It is stated that the other properties were allotted to his cousin Adithan and one Thangam and his daughter Backiyalakshmi. The petitioner intended to survey the property and fix the boundaries thereof so as to prevent encroachment. For such purpose, an application was submitted and requisite fee was paid. However on account of the failure of the respondents to initiate action thereon, the present writ petition is filed.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the representation of the petitioner may be considered and disposed of on merits as regards the property for which the petitioner has a joint patta.

4. The documents enclosed in support of the writ petition disclose that there are three separate pattas. The patta in respect of Survey No.185/2 has been issued to the petitioner, Rajagopal, and one Thavasipal, who is said to be the petitioner's brother. Therefore, the petitioner has *prima facie* established interest in the property bearing Survey No.185/2. Consequently, the respondents 1, 2 and 3 may be directed to consider the petitioner's representation as regard Survey No.185/2.

5. Accordingly, the respondents 1 to 3 herein are directed to consider the petitioner's representation dated 02.08.2021 with regard to the conduct of survey of the property bearing Survey No.185/2 and dispose of such representation by a reasoned order within a period of three months from the date of receipt of a copy of this order after putting the joint pattadars and also persons owning adjoining properties on notice.

6. It is made clear that in case the owners of the other survey numbers require a survey to be conducted, the pattadar concerned should submit a representation in such regard. W.P(MD). No.14460 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)



To:

1. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
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3. The Taluk Firka Surveyor,
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+1 CC to M/s.SPL GP (SR-26538[F] dated 17/08/2021)

W.P. (MD)No.14460 of 2021
16.08.2021

VR(CO)
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