



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14386 of 2021

A.Thiyagarajan

...Petitioner

Vs.

The Tahsildar,
Marungapuri Taluk,
Trichy District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to survey and fix four boundaries of S.F.No.234/6F in Patta No.569 at situate in Yagapuram Revenue Village, Marungapuri Taluk, Trichy District based on the petitioner's representation dated 27.10.2020.

For Petitioner : Mr.K.Baalasundharam

For Respondent : Mr.R.Basharan
Counsel for Government

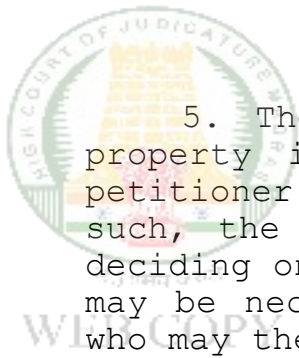
O R D E R

The petitioner seeks the survey and boundary fixation of the property bearing S.F.No.234/6F, Yagapuram Revenue Village, Marungapuri Taluk, Trichy District.

2. The petitioner claims title to the aforesaid property through his mother. It is stated that his mother purchased the property under registered sale deed dated 26.08.1971 and also obtained a patta in her name. Upon the death of the petitioner's mother on 09.05.1990, it is stated that a joint patta was issued in favour of the petitioner and his brothers.

3. According to the petitioner, his brother entrusted the task of arranging for a survey to the petitioner and, therefore, the petitioner filed an application on 01.10.2018 in such regard. On account of lack of progress, the petitioner once again made a representation on 12.10.2020. It is stated that the District Collector's Office informed the petitioner by communication dated 21.10.2020 that his representation would be acted upon, but the same was not followed through. The present writ petition is filed in these facts and circumstances.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the sole respondent. He submits that the petitioner's request for survey may be considered and disposed of on merits.



5. The petitioner has enclosed the patta in respect of the property in question. The said patta reveals the names of the petitioner and his two brothers, namely, Shanmugam and Selvaraj. As such, the joint pattathars would have to be put on notice before deciding on the petitioner's application for survey. In addition, it may be necessary to put on notice persons owning adjoining lands, who may therefore be affected by the survey and boundary fixation.

6. Accordingly, without going into the merits of the matter, the respondent herein is directed to consider the petitioner's representation dated 27.10.2020 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, his brothers, namely, Shanmugam and Selvaraj and any other person who would be affected by the conduct of the survey. Such reasoned order shall be passed within a period of two months from the date of receipt of a copy of this order.

7.W.P.(MD).No.14386 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To
The Tahsildar,
Marungapuri Taluk,
Trichy District.

+1 CC to M/s.GP (SR-26519[F] dated 17/08/2021)

W.P.(MD) No.14386 of 2021

16.08.2021

RK (24.08.2021) 2P 3C