



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14871 of 2021

Mr.R.Ravi

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Trichy, Trichy District.

2.The Tasilhdar,
Taluk Office,
Manaparai,
Trichy District.

3.The Head Surveyor,
Taluk Office,
Manaparai,
Trichy District.

4.The Inspector of Police,
Manaparai Police Station,
Manaparai,
Trichy District.

5. Mr.Jayapadi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second and third respondents to survey the petitioner's property admeasuring 1 Acre & 78 cents at Survey No.45/2; 28 cents at Survey No.47/4 and 1 Acre & 5 cents at Survey No.15/3A, out which 2 Acres 98 cents at Survey Nos.45/2, 47/4, 15/3A, of Sampatti Village, Manaparai Taluk, Trichy District with Police protection provide by the 4th respondent within a stipulated period.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.P.Subbaraj

Counsel for State - For R1 to R4

O R D E R

The petitioner seeks a survey of his property in Survey No.45/2, 47/4 and 15/3A of Sampatty Village, Manaparai Taluk, Trichy District.

2.The petitioner traces title to the aforesaid properties to his father, Raman Chettiyar. Patta No.546249 in his father's name is

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enclosed in support of such contention. According to the petitioner, his father executed a registered gift deed in his favour on 21.01.2013. On such basis, the petitioner claims that he is entitled to the property and to carry out a survey thereof. However, it is stated that the fifth respondent is interfering with the petitioner's possession of the property. The present writ petition is filed in the said facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 4. He submits that the petitioner's request for a survey may be considered after putting the 5th respondent on notice.

4. The documents on record include a patta passbook, which reflects the name of the petitioner's father. In addition, the gift deed dated 21.01.2013 has been enclosed. As such, the petitioner has *prima facie* established that he has an interest in the relevant properties. Consequently, a direction may be issued to the second and third respondents in relation to the petitioner's representation dated 19.04.2021.

5. Accordingly, without going into the merits of the matter, the second and third respondents herein are directed to consider the petitioner's representation dated 19.04.2021 seeking a survey of his properties. Such representation shall be considered and disposed of by a reasoned order after providing a reasonable opportunity to the petitioner, 5th respondent herein and the other legal heirs of the petitioner's father. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been gone into and because the second and third respondents herein are directed to hear the fifth respondent before passing an order, the writ petition is disposed of without notice to the private respondents.

6. W.P.(MD).No.14871 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

To

1.The District Collector,
Collector Office,

<https://hcservices.ecourts.gov.in/hcservices/> District.



2.The Tasilhdar,
Taluk Office,
Manaparai,
Trichy District.

3.The Head Surveyor,
Taluk Office,
Manaparai,
Trichy District.

4.The Inspector of Police,
Manaparai Police Station,
Manaparai,
Trichy District.

+1 CC to M/s.B.RAJESH SARAIVANAN, Advocate (SR-27256[F] dated 25/08/2021)

+1 CC to M/s.SPL GP (SR-27056[F] dated 24/08/2021)

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