



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14977 of 2021

C.Periakaruppan

... Petitioner

Vs.

1. The Thasildar,
Melur Taluk,
Madurai District.

2. The Land Surveyor,
Karunkalakudi Revenue Village,
O/o.Land Surveyor,
Melur,
Madurai 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 measure the land in Survey Nos.471/2A1, 2A4, 2A5 having the 2 Acre 71 cents land situated at Karungalakudi Revenue Village, Karungalakudi Sub Registration Madurai District based on the petitioner's representation dated 29.07.2021, within a time stipulated by this Court.

For Petitioner : Mr.M.Palani Raja
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the survey and measurement of the land bearing Survey Nos.471/2A1, 471/2A4 and 471/2A5 at Karungalakudi Revenue Village, Karungalakudi Sub Registration, Madurai District.

2. The petitioner states that the aforesaid land was purchased by the petitioner from the previous owners under sale deeds executed on 19.05.1982, 02.04.1984 and 20.10.2003. The petitioner also relies upon a joint patta under patta Nos.2102 and 2105.

3. In order to survey and measure the lands, the petitioner states that he approached the respondents on 27.04.2021. In spite of remitting the necessary charges, it is stated that no action has been taken on the petitioner's representation.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice
<https://hcservices.ecourts.gov.in/hcservices/>



on behalf of both the respondents. He submits that the petitioner's representation may be considered and disposed of on merits.

5. The petitioner has produced three registered documents in relation to the purchase of the property. The petitioner has also produced patta No.2102, which pertains to Survey No.471/2A1 and 471/2A4. Such patta is in the name of the petitioner. In addition, the petitioner has produced patta No.2105, which pertains to the property bearing survey No.471/2A5. This patta is in the name of the petitioner and his brother Periyasamy. Therefore, the petitioner has *prima facie* established that he has an interest in the relevant property. However, the respondents would have to examine whether there are rival claimants and, if so provide an opportunity to such rival claimants. In addition, the adjoining land owners would have to be put on notice in case the fixation of boundary stones would have an impact with regard to their properties.

6. Accordingly, without going into the merits of the matter but subject to the above observations, the respondents herein are directed to consider the petitioner's representation dated 29.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, his brother Periyasamy, the owners of adjoining properties and 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.

7. W.P.(MD).No.14977 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Thasildar,
Melur Taluk,
Madurai District.

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



2. The Land Surveyor,
Karunkalakudi Revenue Village,
O/o.Land Surveyor,
Melur,
Madurai District.

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+1 CC to M/s.M. PALANI RAJA, Advocate (SR-27095[F]
dated 24/08/2021)

+1 CC to M/s.SPL GP (SR-27162[F] dated 25/08/2021)

W.P (MD) No.14977 of 2021
24.08.2021

DJ(CO)
KB(01.09.2021) 3P 5C