



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15112 of 2021

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P.Jayaram

... Petitioner

Vs.

1.The Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai District.

2.The Head Surveyor,
Vadipatti Taluk,
Vadipatti, 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 survey and demarcate the land comprised in Survey No.85/5B1A1A measuring about 0.29.80 ares bearing Patta No.456 situated at Keelachinnampatti, Vadipatti Taluk, Madurai District, in the light of the petitioner's application dated 22.07.2021 submitted before the first respondent within a time frame as fixed by this Court.

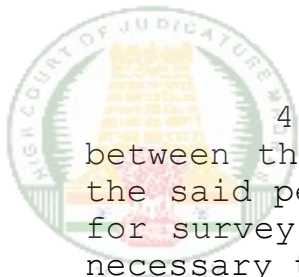
For Petitioner : Mr.B.Prahalad Ravi
For R-1 & R-2 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a survey of the land bearing Survey No.85/5B1A1A measuring about 0.29.80 ares at Keelachinnampatti, Vadipatti Taluk, Madurai District.

2. The petitioner claims title to the aforesaid property by virtue of a registered sale deed dated 10.11.2003. It is stated that the property was subsequently subdivided as Survey No.85/5B1A1A. The petitioner relies upon the Patta No.456 which has been issued in favour of the petitioner and three others. It is stated that there is a dispute between the petitioner and the sons of the petitioner's vendors, namely, M.Muthaiah and Puliyammal. In these circumstances, the petitioner intends to carry out a survey so as to demarcate the property. The present Writ Petition is filed in view of the failure of the respondents herein to consider and dispose of the application dated 22.07.2021.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's application for survey may be considered and disposed of on merits.



4. The facts on record disclose that there is a dispute between the petitioner and one Seenivasan and Raja. Consequently, the said persons should be heard before the petitioner's application for survey may be decided. For purposes of this petition, it is not necessary to enter any findings on the dispute.

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5. Accordingly, without going into the merits of the matter, the respondents are directed to consider the petitioner's application dated 22.07.2021 and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner, the joint pattadhars or their legal heirs and persons owning the adjoining properties who may be affected by the conduct of a survey. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of this order.

6. WP(MD) No.15112 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Tahsildar,
Vadipatti Taluk,
Vadipatti, Madurai District.

2.The Head Surveyor,
Vadipatti Taluk,
Vadipatti, Madurai District.

+1 CC to M/s.SPL GP (SR-27398[F] dated 26/08/2021)

W.P (MD) No.15112 of 2021
25.08.2021

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