



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15141 of 2021

WEB COPY

M.Sangali Pandi

... Petitioner

Vs.

1.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

2.The Firka Surveyor,
Chettikurichi Circle,
Campus of the Tahsildar Office,
Kayathar Taluk,
Tuticorin District.

3.N.Sanmugaraj

... 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 conduct survey of the punja land property comprised in Survey No.289/2 admeasuring 10 Acres 40 Cents situated at Chettikurichi Village, Kayathar Taluk, Tuticorin District for fixing correct boundaries based on the petitioner's representation dated 08.07.2021.

For Petitioner : Mr.K.Anand

For R-1 & R-2 : Mr.R.Baskaran

Counsel for State

ORDER

The petitioner seeks a survey of the Punjai land bearing Survey No.289/2 admeasuring 10 acres and 40 cents at Chettikurichi Village, Kayathar Taluk, Tuticorin District.

2. The petitioner states that the aforementioned land was conveyed to him by the Revenue Divisional Officer, Kovilpatti after confiscating such land on account of the default committed by JPJ City Developers Limited in respect of amounts due and payable to its depositors. After purchasing the property, the petitioner states that he obtained a patta in respect thereof.

3. On account of the lack of clarity with regard to the boundaries of the property, a dispute arose between the petitioner and the third respondent herein. Subsequent thereto, the



petitioner made a representation to the first and second respondents herein on 08.07.2021 and the present writ petition is filed in view of the failure of such respondents to take action thereon.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that the petitioner's request for survey may be considered and disposed of on merits.

5. The documents on record reveal that the petitioner purchased the property under a sale deed executed by the Revenue Divisional Officer upon confiscation of the property in question. A copy of the patta has been enclosed and the said patta contains the name of the petitioner herein as the owner of the property. However, it should be noted that there appears to be a dispute between the petitioner and the third respondent with regard to the boundaries of the property. Consequently, the third respondent should be put on notice before taking a decision as to the survey.

6. In the aforesaid facts and circumstances, W.P.(MD). No.15141 of 2021 is disposed of by directing the first and second respondents herein to consider the petitioner's application for survey and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the third respondent herein and any other adjoining land owners who would be affected by the conduct of such survey. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Kayathar Taluk,
Thoothukudi District.

2.The Firka Surveyor,
Chettikurichi Circle,
Campus of the Tahsildar Office,
Kayathar Taluk,
Tuticorin District.

+1 CC to M/s.K.ANAND, Advocate (SR-27507[F] dated 27/08/2021)

+1 CC to M/s.SPL GP (SR-27536[F] dated 27/08/2021)

W.P (MD) No.15141 of 2021
26.08.2021

DJ(CO)
SB(02.09.2021) 3P 5C