



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15397 of 2021

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Vanamamalai

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli District.

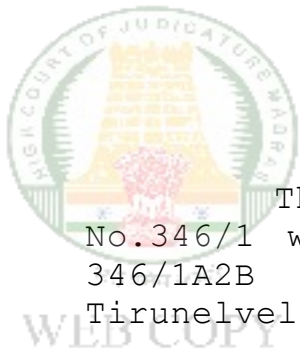
3.The Head Surveyor,
Tirunelveli Taluk Office,
Tirunelveli District.

4.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli 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 2 and 3 to conduct a proper land survey in Survey Nos. 346/1, of an extent of 4 acres 79 cents on the eastern side 2 acres 39 1/2 (remaining lands from Government Land Acquisition) sub divided in S.No.346/1A1 of an extent of 0.94.50 ares in S.No.346/1A2B of an extent on the bottom 2 acre 0.81.0 hectare (bottom of the already sold lands) Acre 1 Cent 15 remaining western side 30 cents out of 85 cents and western side 55 cents hectare 0.22.27 situated at Naranammalpuram Village, Tirunelveli Taluk, Tirunelveli District, with police protection given by the fourth respondent on the basis of the petitioner's representation dated 07.04.2021 and 04.08.2021.

For Petitioner : Mr.S.Selvakumar
For Respondents : Mr.P.Subbaraj
Counsel for State.



ORDER

The petitioner seeks a survey of the land bearing Survey No.346/1 which has been sub-divided into Survey Nos.346/1A1 and 346/1A2B at Naranammalpuram Village, Tirunelveli Taluk, Tirunelveli District.

2.The petitioner is the agent of his wife Latha who is said to have executed a General Power of Attorney dated 05.08.2020 in his favour. Title is traced to the property under a sale deed dated 17.04.2015 in favour of one Murugan who purchased the property from P.Thangapandi. Subsequent thereto, it is stated that the petitioner's wife purchased the property from the said Murugan under a sale deed dated 14.05.2020. A patta issued in favour of several persons in respect of Survey No.346/1A1 is relied upon.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's request for a survey may be considered and disposed of after putting all persons with an interest in the land on notice.

4.The documents on record include the sale deed dated 17.04.2015 in favour of the petitioner's wife's vendor, the sale deed dated 14.05.2020 in favour of the petitioner's wife and patta No.419. Upon perusal of patta No.419, it appears that such patta is in respect of survey No.346/1A1. It has been issued in the names of thirteen (13) persons including one Thangapandi who is said to be the vendor of the petitioner's wife's vendor. The survey is requested in respect of both Survey Nos.346/1A1 and 346/1A2B. Therefore, it would be necessary to put all the joint pattadhars on notice before the application for such survey is disposed of.

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 04.08.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, the joint pattadhars in patta No.419 and the owners of adjoining properties who may be affected by the conduct of such survey. Such reasoned order shall be issued within a period of four months from the date of receipt of a copy of this order.



6.W.P(MD) No.15397 of 2021 is disposed of on these terms without any order as to costs.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli District.
- 3.The Head Surveyor,
Tirunelveli Taluk Office,
Tirunelveli District.
- 4.The Inspector of Police,
Thalaiyuthu Police Station,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-27758[F] dated 01/09/2021)

W.P (MD)No.15397 of 2021
31.08.2021

ES (CO)
SB(07.09.2021) 3P 6C