



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15486 of 2021

WEB COPY

K.Gurunathan

... Petitioner

Vs.

1.The District Collector,
Diostrict Collector Office,
Sivagangai.

2.The Thasildar,
Thasildar Office,
Thiruppuvanam Taluk,
Sivagangai District.

3.The Surveyor,
Thasildar Office,
Thiruppuvanam Taluk,
Sivagangai 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 petitioner's land and to issue separate patta to his land in Survey No.480/1 and 480/2 in Keezharangiyam Village, Thiruppuvanam Taluk, Sivagangai District within a time frame.

For Petitioner : Mr.I.Joshua
For Respondents : Mr.P.Subbaraj
Counsel for the State

ORDER

The petitioner seeks a direction for the measurement of his land and for the issuance of a separate patta in respect of the property bearing Survey Nos.480/1 and 480/2 in Keezharangiyam Village, Thiruppuvanam Taluk, Sivagangai District.

2.The petitioner traces title to the property mentioned above through a sale deed dated 29.05.1980 in favour of his father. It appears that such sale deed pertains to 10 cents of land in the above mentioned survey numbers. The petitioner states that he approached the third respondent to measure the land and also remitted the requisite fees on 04.03.2021. In view of the failure of the respondents to take action thereon, the present writ



petition is filed.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the second and third respondents may be directed to consider the petitioner's request and dispose of the same on merits.

4. The petitioner has enclosed a copy of the sale deed in favour of his father. Such sale deed is dated 29.05.1980. However, the petitioner has not enclosed the patta either in the name of his father or in the name of the predecessor in interest of his father. Therefore, the second and third respondents may have to take the aforesaid into account and examine the relevant revenue records before taking a decision on the petitioner's representation. One R.Samayan, the petitioner in W.P.(MD).No.15480 of 2021 has applied for a separate patta in the same survey numbers and he should be put on notice.

5. Subject to the above observations but without going into the merits of the matter, the second and third respondents are directed to consider the petitioner's representation dated 30.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the owners of land in the same survey numbers, if any, and the owners of adjoining properties who would be affected by the conduct of a survey. Such reasoned order shall be issued within a period of three months from the date of receipt of a copy of this order.

6. W.P.(MD).No.15486 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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 District Collector,
District Collector Office,
Sivagangai.

2.The Thasildar,
Thasildar Office,
Thiruppuvanam Taluk,
Sivagangai District.

3.The Surveyor,
Thasildar Office,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.I. JOSHUA, Advocate (SR-27917[F] dated 02/09/2021)

+1 CC to M/s.SPL GP (SR-27904[F] dated 02/09/2021)

W.P (MD) No.15486 of 2021
01.09.2021

SRR (CO)
SB (13.09.2021) 3P 6C