



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.09.2021**

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.15740 of 2021

Periyavellai

:Petitioner

.vs.

1.The District Collector,
Collector Office,
Theni District-625 531

2.The Tahsildar,
Taluk Office,
Andipatty Taluk,
Theni District-625 531.

3.The Land Surveyor,
Palakombai Village,
Taluk Office,
Andipatty Taluk,
Theni District- 625 512.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the second respondent to give appropriate direction to the third respondent to measure and demarcate the lands of the Petitioner in S.No.51/7A, to an extent of 86 cents in 0.35.00 Ares situated at Palakombai Village, Andipatty Taluk,Theni District based on his representation dated 18.2.2021.

For Petitioner : Mr.M.Benazir Begum
For Respondents : Mr.K.S.Selva Ganesan
Counsel for the State

O R D E R

The petitioner seeks the survey of lands bearing Survey No.51/7A of an extent of 86 cents at Palakombai Village, Andipatty Thaluk, Theni District.

2.The petitioner states that the above mentioned land was allotted to his share under a registered partition deed dated 27.11.2020, bearing Document No.6888 of 2020. After such partition, it is stated that the petitioner obtained a separate patta in relation to the land in Survey No.51/7A. The present Writ Petition is filed in view of the alleged failure of the respondents to act on the petitioner's representation dated 18.02.2021, requesting for a survey.



3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's request for survey would be considered provided the petitioner remits the requisite fees in connection therewith.

4.The petitioner traces title to a registered partition deed. Although such partition deed has not been enclosed, the petitioner has enclosed Patta No.1768. Upon perusal, it is clear that such patta has been issued in the name of the petitioner. Such patta pertains to Survey No.51/7A and appears to have been issued pursuant to the proceedings dated 29.12.2020. There do not appear to be any rival claimants. As such, subject to the production of registered partition deed and the payment of the requisite fees for the survey, the petitioner is entitled to the direction requested for.

5.Accordingly, the petitioner is permitted to submit a fresh application for survey by enclosing both the registered partition deed and the patta. Such application shall be submitted to the second respondent along with the necessary fees within a period of 2 weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second respondent is directed to undertake the survey after putting the adjoining land owners on notice. The entire exercise should be completed within a period of 3 months from the date of receipt of a copy of this order.

6.W.P(MD) No.15740 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// 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

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Theni District-625 531



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+1 CC to M/s.The Special Government Pleader (SR-28323[F] dated
07/09/2021)

W.P (MD) NO.15740 of 2021
03.09.2021

RS (13.09.2021) 3P 5C