



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16381 of 2021

WEB COPY

Marimuthu

... Petitioner

Vs.

1. The Tahsildar,
Manur Taluk,
Tirunelveli District.

2. The Land Surveyor,
O/o. the Land Surveyor,
Manur Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to survey and demarcate the land belongs to the petitioner in Survey Nos.7/2A,7/2B,7/2C and 7/3A, to an extent of 0.69.75 Hectares (1.25 Ares) at Moovirunthali Village in Manur Taluk, Tirunelveli District and mark the boundaries and provide the report to the petitioner based on his representations dated 05.08.2021, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.P.Subbaraj,
Counsel for State

O R D E R

The petitioner seeks a survey of the land bearing Survey Nos.7/2A, 7/2B, 7/2C and 7/3A of an aggregate extent of 1.25 acres at Moovirunthali Village, Manur Taluk, Tirunelveli District.

2. The petitioner states that the above mentioned property was originally owned by one Mr.Chellapandian. The petitioner purchased the property from the said Chellapandian under a sale deed dated 06.01.2012 bearing Document No.111 of 2012. The petitioner refers to the patta issued under Patta No.3684 in respect of the above mentioned properties. On account of having obtained the patta, the petitioner states that he is entitled to maintain this writ petition in accordance with the liberty granted by order dated 28.02.2020 of this Court in W.P(MD).No.4058 of 2020.

3. In spite of submitting a representation on 05.08.2021, the



petitioner states that no action has been taken for the survey of the petitioner's property. The present writ petition is filed in these facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the patta has been issued in the names of three other persons. Therefore, the joint pattadars should be put on notice before a decision is taken.

5. Although the petitioner refers to the sale deed dated 06.01.2012 under which he claims title, the patta in relation to the property has been issued in the names of Sundarathai, Periyadurai, Chinnadurai and the petitioner. The other three persons appear to be the wife and sons of one Muthiahpandian. Since they are joint pattadars in respect of the relevant properties, no decision with regard to a survey of such property should be taken without putting such persons on notice. It also appears that the relevant properties have not been sub-divided.

6. Subject to the above observations, without going into the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 05.08.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and the joint pattadars in respect of the relevant property. Such reasoned order shall be issued within a period of three months from the date of receipt of a copy of this order.

7. W.P(MD).No.16381 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1. The Tahsildar,
Manur Taluk,
Tirunelveli District.

2. The Land Surveyor,
O/o. the Land Surveyor,
Manur Taluk,
Tirunelveli District.



+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-29081[F] dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29091[F] dated 15/09/2021)

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RD(22.09.2021) 3P 5C