



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2021

CORAM:

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) .No.16464 of 2021

and W.M.P(MD) Nos.13344 and 13346 of 2021

V.Jothi Andiappan

... Petitioner

Vs.

1.The District Collector,
The District Collector's Office,
Dindigul District.

2.The Tahsildar,
Tahsildar Office,
Vedasanthur Taluk,
Dindigul District.

3.The Taluk Deputy Surveyor,
Tahsildar Office Campus,
Vedasandaur Taluk,
Dindigul District.

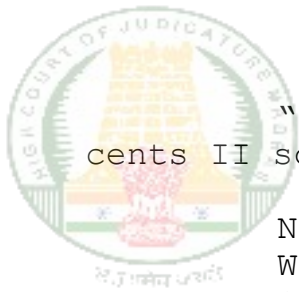
4.The Firka Surveyor,
Tahsildar Office Campus,
Vedasanthur Taluk,
Dindigul District.

5.Rajammal
6.Murugesan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, by directing the second respondent to direct the respondents 3 and 4 to survey the land based on the petitioner's parent document vide Document No.193/1972 dated 04.03.1972 and Document No.487/81, dated 15.04.1981, to the property at Srirampuram Village, Vedasandur Taluk, Dindigul District in "S.No.19/2 out of the extent of 4 acres 94 cents Eastern 2 acre and 14 cents I schedule with the boundaries:

South	:	Lands in S.No.18
North	:	Land belongs to Andiappa Pillai
East	:	Land belongs to Arumuga Gounder
West	:	Land belongs to Subbiah and



"S.No.19/2 out of the extent of 4 acres 94 cents Northern 7 cents II schedule with the boundaries:

North : Boomithana lands
West : Road
South : Land belongs to Subbiah
East : Land in S.No.19/2

with necessary pathway rights.

For Petitioner : Mr.R.Senthilkumar

For Respondents 1 to 4 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction for the conduct of a survey by respondents 3 and 4 in respect of the land bearing S.No.19/2B at Sriramapuram Village, Vedasanthur Taluk, Dindigul District.

2.The petitioner states that her mother purchased the property bearing S.Nos.19/2B, 18/2, 63/1A1 under a sale deed dated 10.03.1991, bearing Document No.359/1991. Under the said sale deed, the schedule dealt with the whole of S.No.19/2B. On the other hand, the parent document deals with S.No.19/2 in two parts by specifying the boundaries thereto separately. The petitioner states that the schedule set out in the parent document bearing Document No.487/1981 dated 15.04.1981 is correct.

3.In these circumstances, the petitioner approached the second respondent on 11.10.2019 to measure the land and demarcate the boundaries thereof. Pursuant thereto, the fourth respondent undertook such survey on 24.09.2020 but respondents 5 and 6 raised objections in relation thereto. The present writ petition is filed in the said facts and circumstances.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He points out that the fourth respondent took steps to conduct a survey pursuant to the request made by the petitioner. However, he points out that there appears to be a dispute as between the petitioner and the private respondents.

5.The petitioner has enclosed a copy of the sale deed bearing Document No.359/1991 under which her mother purchased the relevant property. Copies of the parent documents under which her mother's predecessors-in-interest purchased the property are also enclosed. In addition, the petitioner has enclosed the patta bearing patta No.2660. Such patta is in the name of the petitioner and covers three survey numbers including S.No.19/2B. A patta in the names of the fifth respondent and her husband Subbiah is enclosed and the



said patta covers three survey numbers including S.No.19/2A. The FMB sketch pertaining to S.No.19 has been filed by the petitioner and such FMB sketch indicates that S.Nos.19/2A and 19/2B are adjoining properties. Therefore, it is possible that there is a dispute with regard to the boundaries of S.No.19/2A and 19/2B. In these facts and circumstances, respondents 5 and 6 should be put on notice before a decision is taken to survey the petitioner's property. The Patta Pass Book Act 1983 prescribes a procedure to be followed in case there is a dispute pertaining to the boundaries of the property. Such procedure should be followed.

6.With the above observations, W.P.(MD)No.16464 of 2021 is disposed of by directing the second respondent herein to consider the petitioner's representation seeking a survey of the land in S.No.19/2B and dispose of such request after providing a reasonable opportunity to the petitioner and the private respondents herein. Upon considering such request, the second respondent is directed to either undertake the survey in accordance with law or issue a reasoned order to the petitioner indicating the reasons for refusal to do so. In any event, the entire exercise shall be completed within a period of three months (3) from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been examined, the writ petition is disposed of without notice to the private respondents. There will be no order as to costs. Consequently, W.M.P.(MD).Nos.13344 and 13346 of 2021 are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj/sn

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,
The District Collector's Office,
Dindigul District.

2.The Tahsildar,
Tahsildar Office,
Vedasanthur Taluk,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Taluk Deputy Surveyor,
Tashildar Office Campus,
Vedasandaur Taluk,
Dindigul District.

4.The Firka Surveyor,
Tashildar Office Campus,
Vedasanthur Taluk,
Dindigul District.

+1 CC to M/s.SPL. GP (SR-29338[F] dated 16/09/2021)

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-29478[F] dated
17/09/2021)

W.P. (MD) .No.16464 of 2021

Dated :15.09.2021

RK (22.09.2021) 4P 7C