



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16544 of 2021

WEB COPY

P. Ragupathi

... Petitioner

Vs.

1.The District Collector,
Karur District.

2.The Tashildar,
Krishnarayapuram Taluk,
Karur District.

3.The Firqa Surveyor,
Krishnarayapuram Taluk Office,
Karur District.

4.The Village Administrative Officer,
Mayanur Village,
Krishnarayapuram Taluk,
Karur 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 property in Survey No.161/2 of Mayanur Village, Krishnarayapuram Taluk, Karur District as per the documents and fix the boundary and lay boundary stone by considering petitioner application dated 21.09.2020 within a stipulated period.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction for the measurement of his property of an extent of 26 cents out of 1.64 acres in Survey No.161/2 of Mayanur Village, Krishnarayapuram Taluk, Karur District.

2. The petitioner states that he is the owner of 26 cents in the above mentioned property. He cites Patta No.1323 in support of his claim. In order to fix the boundaries of the said property, the petitioner states that he submitted an application on 28.05.2019. In view of the alleged failure of the second and third respondents to take action thereon, the present Writ Petition is filed.



3. Mr.K.S.Selva Ganesan, learned Counsel for the State, accepts notice on behalf of all the respondents. He submits that the patta stands in the names of several persons and that the property has not been subdivided as between them.

4. The petitioner has enclosed one Patta No.1323 in respect of Survey No.161/2 which contains the names of fifteen (15) joint pattathars including the petitioner. Another Patta No.1323 is also enclosed indicating the names of eight (8) pattathars including the petitioner herein. It is unclear as to which of these two patts is authentic. However, it may be noted that the patta at Page No.8 of the typed-set of papers contains the signature of the Tahsildar concerned and also the seal of the Tahsildar Office, whereas the Patta at Page No.6 does not contain either a signature or a seal. This aspect would have to be examined by the second respondent before taking any further action.

5. The patta also indicates that it is in respect of 66.50 Ares in Survey No.161/2, whereas the petitioner seeks to have the measurements taken of his 26 cents of land in the said Survey Number. As such, it would be necessary to first undertake subdivision of the property after putting all the joint pattathars on notice.

6. In the aforesaid facts and circumstances, the petitioner is permitted to submit a fresh application to the second respondent seeking subdivision of the property by remitting the necessary charges for such purpose. Such application shall be submitted within a period of two (2) weeks from the date of receipt of a copy of this order by enclosing all relevant documents. Upon receipt thereof, the second respondent is directed to issue notice to all the joint pattathars and thereafter issue a reasoned order with regard to the request for subdivision. Such reasoned order shall be issued within a period of two (2) months from the date of receipt of the fresh application for subdivision. The survey, if any may be applied for thereafter.

7. Accordingly, W.P.(MD).No.16544 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

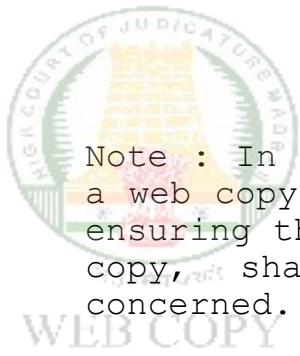
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/ /2021

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 District Collector,
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- 2.The Tashildar,
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Karur District.
- 3.The Firqa Surveyor,
Krishnarayapuram Taluk Office,
Karur District.
- 4.The Village Administrative Officer,
Mayanur Village,
Krishnarayapuram Taluk,
Karur District.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-29357[F]
dated 16/09/2021)

+1 CC to M/s.SPL. GP (SR-29470[F] dated 17/09/2021)

**W.P (MD) No.16544 of 2021
16.09.2021**

GC(27.09.2021) 3P 7C