



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17318 of 2021

P.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Collectorate Complex,
Madurai.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Usilampatti Taluk,
Madurai District.

3.The Tahsildar,
Office of the Usilampatti Tahsildar,
Usilampatti Taluk,
Madurai District.

4.The Head Surveyor,
Office of the Head Surveyor,
Tahsildar Office Building,
Usilampatti Taluk,
Madurai 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 third and fourth respondents to survey and demarcate the property of the partitioned land, classified as punja land comprising in Survey Nos.446/2B, 441/1A1 and 441/3A constituting 1-12.00 hectares, 0-61.00 hectares and 0-47.50 hectares respectively, situated at Mayankurumbanpatti, Karumathur Village, Usilampatti Taluk, Madurai District, based on petitioner's representation sent to the respondents dated 08.09.2021

For Petitioner

: Mr.L.Prabhu

For Respondents

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

ORDER

The petitioner seeks a direction to the third and fourth respondents to carry out a survey and demarcate specific extents of the property bearing S.Nos.446/2B, 441/1A1 and 441/3A at



Mayankurumbanpatti, Karumathur Village, Usilampatti Taluk, Madurai District.

2.The petitioner claims title to the above mentioned properties through a registered partition deed dated 30.12.2015, bearing Document No.366 of 2015. The petitioner states that the properties mentioned in the A schedule property of the relevant partition deed were allotted to his share, and that such properties include the above mentioned three survey numbers.

3.The petitioner also relies upon the pattas issued in respect of the relevant properties. It is stated that a request was made for sub division and survey. Pursuant thereto, the petitioner received a notice dated 17.08.2021 scheduling a survey on 21.08.2021, but it is stated that no survey was conducted. Once again, a notice dated 28.08.2021 was received for a survey on 01.09.2021, but the survey did not take place. The present writ petition is filed in the said facts and circumstances.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's representation may be directed to be considered after putting the joint pattathars on notice.

5.The petitioner has enclosed a copy of the registered partition deed dated 30.12.2015, bearing Document No.366 of 2015. The properties described in schedule A thereto have been allotted to the share of the petitioner. Such properties include the properties in respect of which the petitioner has requested for a survey. The petitioner has also enclosed copies of two pattas. Patta No.3641 has been issued in respect of several survey numbers, including S.Nos.441/3A and 446/2B. Apart from the petitioner, the joint pattathars are Selvi, Sivalingam, Rajeswari and Balasubramanian. Therefore, these persons should be put on notice. Similarly, Patta No.4179 of 2021 has been issued in respect of two survey numbers, including S.No.441/1A1. This patta was issued to the petitioner and his brother Deivam. Therefore, as regards the property bearing S.No.441/1A1, notice should be issued to Deivam.

6.Subject to the above observations but without recording findings on the merits of the matter, the third and fourth respondents are directed to consider the petitioner's representation dated 08.09.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner and the joint pattathars under Patta Nos.3641 and 4179 or their legal heirs, if appropriate. In addition, the owners of adjoining properties, whose boundaries may be impacted by the conduct of a survey, should be put on notice. The entire exercise shall be concluded within a period of three (3) months either by completing the survey or issuing a reasoned order indicating the reasons for refusal to do so.



7.W.P.(MD).No.17318 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

WEB COPY

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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,
Office of the District Collector,
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Madurai.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
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- 3.The Tahsildar,
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- 4.The Head Surveyor,
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Tahsildar Office Building,
Usilampatti Taluk,
Madurai District.

+1 CC to M/s.L.PRABHU, Advocate (SR-30366[F] dated 27/09/2021)

+1 CC to M/s.SPL.GP (SR-30467[F] dated 28/09/2021)

W.P(MD) .No.17318 of 2021
27.09.2021

RD(4.10.2021) 3P 7C