



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17528 of 2021

B.S.M.Manikandan

... Petitioner

Vs.

1.The Collector,
Madurai Collectorate Office,
Madurai.

2.The Tahsildar,
Madurai East Taluk,
Madurai.

3.The Firka Surveyor,
Madurai East Taluk,
Madurai.

...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 1 to 3 to consider the representation dated 09.08.2021 and to survey and demarcate the petitioner's land in S.Nos.6/4B to an extent of 11 cents and in S.No.7/9 to an extent of 1 acre 4 cents in K.Papankulam Village, Madurai District.

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks the survey of the property bearing S.No.6/4B of an extent of 11 cents and the property bearing S.No.7/9 of an extent of 1 acre and 4 cents in K.Papankulam Village, Madurai District.

2.The petitioner traces title to the above mentioned properties through a settlement deed dated 29.07.1955 in favour of his maternal grandmother. The patta issued to the petitioner's mother and three others is cited in support of the petition. The petitioner states that the relevant property was mortgaged by him in favour of one S.J.Jeyaram and that the said mortgage was discharged as evidenced by the mortgage receipt dated 17.03.2014.



3. In order to demarcate the boundaries of the property, the petitioner submitted an application seeking survey of the property by remitting the requisite fees. The present writ petition is filed to achieve the said objective.

4. Mr. P. Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's application may be considered and disposed of after putting the joint pattathars and any other rival claimants on notice.

5. The petitioner traces title through his maternal grandmother, Visalakshiammal. Patta No.27 is relied upon. The said patta is in respect of S.No.6/4B. Such patta has been issued in the names of Kanjana, who is said to be the petitioner's mother, Meenakshi, Vasanthamani and Balchamy. The legal heir certificate of Kanjana has been produced. This document indicates that the legal heirs are the petitioner's father and the petitioner. Therefore, the petitioner's father should be put on notice. In addition, the joint pattathars, namely, Meenakshi, Vasanthamani and Balchamy should be put on notice. The chitta in respect of the property bearing S.No.7/9 is in the name of the petitioner's mother. Therefore, her husband, i.e. the petitioner's father, should be put on notice. The adjoining land owners whose boundaries may be impacted by the conduct of a survey should also be put on notice.

6. Subject to the above observations, the respondents are directed to consider the petitioner's representation dated 09.08.2021 seeking a survey of the property. Such application should be considered and disposed of by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, his father and the joint pattathars under Patta No.27.

7. W.P.(MD).No.17528 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Collector,
Madurai Collectorate Office,
Madurai.

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Madurai East Taluk,
Madurai.

3.The Firka Surveyor,
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+1 CC to M/s.SPL.GP (SR-30725[F] dated 30/09/2021)

W.P(MD) .No.17528 of 2021
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RD(7.10.2021) 3P 5C