



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18028 of 2021

G.Murugesan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Taluk Office,
Ramanathapuram.
Ramanathapuram 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 second respondent to consider the petitioner's representation dated 05.07.2021 and survey the pathway in S.No.41/5B of Kattivayal Village, N.M.Mangalam Post, Thiruvadanai Taluk, Ramanathapuram District, within the period stipulated by this Court.

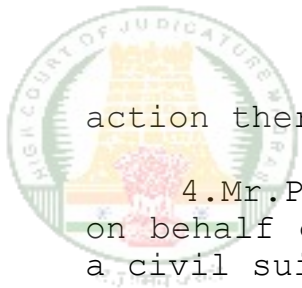
For Petitioner : Mr.H.Velavadhas
For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a survey of the alleged pathway in S.No.41/5B, Kattivayal Village, N.M.Mangalam Post, Thiruvadanai Taluk, Ramanathapuram District.

2.The petitioner states that he purchased 10 cents of land in the property bearing S.No.41/5 from one M.Bose. The sale deed dated 24.06.2019 is cited in this regard. The petitioner also relies upon the separate patta issued in his name under Patta No.6772 after subdivision of the relevant property.

3.The petitioner states that the sale deed reflects that there is a pathway on the southern and western boundary of his property. According to the petitioner, his vendor has unnecessarily filed O.S.No.82 of 2021 on the file of the Sub Court, Ramanathapuram, seeking cancellation of the sale deed and also a permanent injunction. In order to carry out a survey of the relevant property, the petitioner submitted a representation on 19.06.2021 and also remitted fees in such regard. The present writ petition is filed on account of the alleged failure of the second respondent to take



action thereon.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. On instructions, he submits that a civil suit is pending in respect of the relevant property.

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5.The petitioner has enclosed a copy of the sale deed dated 24.06.2019. The said document indicates that 10 cents of land from and out of 46 cents in S.No.41/5 was conveyed to the petitioner. The petitioner has also enclosed Patta No.6772. Such patta was issued to the petitioner and it pertains to the property bearing S.No.41/5B of an extent of 4 ares or 10 cents. As such, the petitioner is entitled to a consideration of his representation. At the same time, it should be noted that a civil suit appears to be pending before the Sub Court, Ramanathapuram.

6.In the above facts and circumstances, W.P.(MD).No.18028 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 05.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the petitioner's vendor and persons owning adjoining properties whose boundaries may be impacted in the event of survey. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order. However, there will no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True 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,
Ramanathapuram District,
Ramanathapuram.



2.The Tahsildar,
Taluk Office,
Ramanathapuram.
Ramanathapuram District.

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+1 CC to M/s.SPL.GP (SR-31510[F] dated 07/10/2021)

W.P (MD) .No.18028 of 2021
06.10.2021

NSN (CO) /RS (21.10.2021) 3P 4C