



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.18962 of 2021

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Krishnamoorthy

... Petitioner

Vs.

1.The Assistant Director,
Land Measurement and records Department,
Dindigul District.

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

3.The Superintendent of Police,
Dindigul District,
Dindigul.

4.The Deputy Superintendent of Police,
Vedasandur,
Dindigul District.

5.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.

6.Perumal

7.Chinnasamy

8.Selvaraj

9.Kannaiyan

10.Govindan

11.Natchammal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to measure and demarcation of petitioner's property in Survey No.33/1A, Survey No.46, Survey No.47 and Survey No.62/2 situated at Kollampatti Village,



Vedasandur Taluk, Dindigul District with assistance of third and fourth respondents herein based on the petitioner's representation dated 14.08.2021.

For Petitioner : Mr.G.Gomathi Sankar

For R1 to R5 : Mr.P.Subbaraj
Counsel for State

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ORDER

The petitioner seeks a survey and demarcation of the boundaries of the property bearing S.Nos.33/1A, 46, 47 and 62/2 at Kollampatti Village, Vedasandur Taluk, Dindigul District.

2.The petitioner claims title to the above mentioned property under a sale deed dated 10.03.2017 in his favour. Patta No.1684 is also cited in support of the petitioner's claim over the relevant property. The petitioner states that the sixth and seventh respondents interfered with the cultivation activity carried on by the petitioner on the land. Therefore, proceedings were instituted in a civil court. In addition, it appears that orders for police protection were also requested for by the petitioner. After submitting a representation dated 14.08.2021 seeking a survey of the property, the present writ petition is filed.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 to 5. He points out that Patta No.1684 was issued in the name of the petitioner and one A.Chinnama Naicker. Therefore, he submits that the said A.Chinnama Naicker or his legal heirs, if appropriate, should be put on notice before the petitioner's request for survey is considered.

4.The petitioner has enclosed a copy of the sale deed dated 10.03.2017. The schedule thereto indicates the extents acquired under the four relevant survey numbers. On perusal of Patta No.1684, it is evident that such patta was issued in the name of A.Chinnama Naicker and the petitioner. The four survey numbers, which are the subject matter of the patta, are also the survey numbers of the property purchased by the petitioner on 10.03.2017. As regards extents, it appears that except for S.No.62/2 wherein the petitioner appears to have acquired the entire extent, as regards the other three survey numbers, the petitioner has acquired a smaller extent out of the total extent. Therefore, it may be necessary to subdivide the property for purposes of marking the boundaries. In any event, this is an aspect that should be considered by the Tahsildar concerned. The joint pattathar or his legal heirs should be put on notice before a decision is taken on the petitioner's application.



5. Subject to the above observations, W.P.(MD).No.18962 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 14.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, respondents 6 to 11 herein and the joint pattathar or any other legal heir of such joint pattathar. Such reasoned order shall be issued within a period of three (3) months 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 gone into and because the second respondent has been directed to hear the private respondents before taking a decision, the writ petition is disposed of without notice to the private respondents. There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// 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 Assistant Director,
Land Measurement and records Department,
Dindigul District.
- 2.The Tahsildar,
Vadamadurai Taluk Office,
Vadamadurai,
Dindigul District.
- 3.The Superintendent of Police,
Dindigul District,
Dindigul.
- 4.The Deputy Superintendent of Police,
Vedasandur,
Dindigul District.



5.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.

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+1 CC to M/s.SPL.GP (SR-32849[F] dated 27/10/2021)

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-32680[F] dated
26/10/2021)

W.P (MD) .No.18962 of 2021
26.10.2021

RK/JGB (02/11/2021) 4P 8C