



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.19132 of 2021

S.Kaliyappan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani, Dindigul District.

2.The Tahsildar,
Gujiliyamparai Taluk,
Gujiliyamparai, Dindigul District.

3.The Head Surveyor,
Gujiliyamparai Taluk,
Gujiliyamparai, Dindigul District.

4.The Inspector of Police,
Gujiliyamparai Police Station,
Gujiliyamparai, Dindigul District.

5.Chinnasamy

6.Murugan
S/o.Kulandaivel Gounder

7.Murugan
S/o.Seerangan

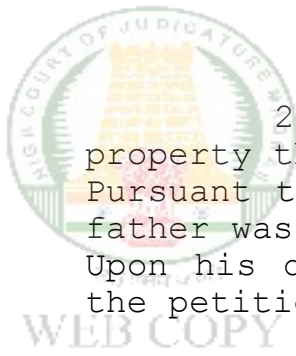
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second and third respondents herein to measure and demarcation of the petitioner's property in Survey Nos.267/3C, 268/1, 269/2, 270/2A, 279/1C, 279/2B, 279/2F and 280/1 situated at Palayam Village, Gujiliyamparai Taluk, Dindigul District with assistance of the fourth respondent herein based on the petitioner's representation dated 21.08.2021.

For Petitioner : Mr.G.Gomathi Sankar
For R-1 to R-4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the measurement and demarcation of the property bearing Survey Nos. 267/3C, 268/1, 269/2, 270/2A, 279/1C, 279/2B, 279/2F and 280/1 situated at Palayam Village, Gujiliyamparai Taluk, Dindigul District.



2. The petitioner claims title to the above mentioned property through an oral partition between his father and his uncle. Pursuant to such oral partition, it is stated that the petitioner's father was in possession and enjoyment of the share allotted to him. Upon his demise, the petitioner inherited the estate. Thereafter, the petitioner obtained mutation of the patta in his favour.

3. In view of disputes between the petitioner and the private respondents herein with regard to the measurement and boundaries of the property, the petitioner submitted a representation seeking a survey of the property. The present Writ Petition is filed in these facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the private respondents herein should be put on notice and provided a reasonable opportunity before a decision is taken on the petitioner's application for survey.

5. The petitioner has enclosed a copy of the Patta No.432. The said patta is in respect of the survey numbers which the petitioner wants surveyed. The total extent indicated in Patta No.432 is 1 Hectare and 53 Ares, which roughly corresponds to 3 Acres and 73 Cents. On the basis of the said patta, the petitioner has made out a case to consider his representation. However, respondents 5 to 7 who are adjacent land owners should be put on notice. In addition, if there are any other adjoining owners whose boundaries may be impacted by the conduct of a survey, such persons should also be put on notice.

6. Subject to the above observations, W.P.(MD).No.19132 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 21.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the private respondents herein and any other owners of adjoining parties whose boundaries may be impacted by the conduct of a 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. There will be no order as to costs.

Sd/-

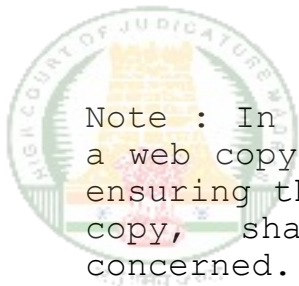
Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr



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.

WEB COPY

- To
- 1.The Revenue Divisional Officer,
Palani, Dindigul District.
 - 2.The Tahsildar,
Gujiliyamparai Taluk,
Gujiliyamparai, Dindigul District.
 - 3.The Head Surveyor,
Gujiliyamparai Taluk,
Gujiliyamparai, Dindigul District.
 - 4.The Inspector of Police,
Gujiliyamparai Police Station,
Gujiliyamparai, Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-33103[F]
dated 28/10/2021)

+1 CC to M/s.SPL.GP (SR-33190[F] dated 29/10/2021)

W.P (MD) No.19132 of 2021
28.10.2021

SS (CO)
GC/JC(10.11.2021) 3P 7C