



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.19044 of 2021

Nandhini Kumari

... Petitioner

Vs.

1.The Tahsildar,
Melur Taluk, Madurai District.

2.The Town Surveyor,
Melur Taluk, Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

4.A.Murugabhoopathi

5.A.Ragupathi

...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 and 2 to survey and demarcate the petitioner's property with the aid of the third respondent for the property in Natham Survey No.243/2C1A now at present Town Survey Ward 'C' Block 19, T.S.No.44 measuring to an extent of 685 sq.ft situated in Kathapattu Chettiyar Street, Melur Village, Melur Taluk, Madurai District within the time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick
For R1 to R3 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks the survey and demarcation of the property bearing Natham S.No.243/2C1A, at present bearing Town Survey Ward 'C' Block 19, T.S.No.44 admeasuring 685 sq.ft in Kathapattu Chettiyar Street, Melur Village, Melur Taluk, Madurai District.

2.The petitioner asserts title to the above mentioned property under a sale deed dated 07.11.2019. The patta issued to the petitioner in respect thereof is also cited. Such patta is a Manaivaari Thoraya Patta.

3.The petitioner states that a civil suit was filed in O.S.No.300 of 2015 on the file of the District Munsif Court, Melur, by the petitioner's mother. The said suit was decreed on 23.12.2020.



In spite of submission of an application seeking survey after the decree of the civil court, it is stated that such survey was not undertaken on account of objections raised by the fourth and fifth respondents herein. The present writ petition is filed in these facts and circumstances.

WEB COPY

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice for respondents 1 to 3. He submits that the petitioner's request for survey may be considered and disposed of after providing a reasonable opportunity to the fourth and fifth respondents herein.

5.The petitioner has enclosed a copy of the sale deed under which his mother originally purchased the property on 02.08.2013. The subsequent sale deed dated 07.11.2019 under which the petitioner purchased the property is also on record. The patta issued to the petitioner is on record. The said patta pertains to the property bearing new S.Nos.44 and 45, which corresponds to old S.No.243/pt. On the basis of these documents, the petitioner has made out a case for the consideration of his application for survey. Needless to say, in view of the objections raised by the fourth and fifth respondents, the said respondents should be provided a reasonable opportunity and, if such respondents produce title and/or revenue records, the same should also be considered before a decision is taken.

6.Subject to the above observations, W.P.(MD).No.19044 of 2021 is disposed of by directing the first respondent to consider the petitioner's representation seeking survey and dispose of the same by a reasoned communication after providing a reasonable opportunity to the petitioner and the private respondents herein. Such reasoned communication shall be issued within a period of three (3) months from the date of receipt of a copy of this order. If necessary, the assistance of police authorities may be taken by the first respondent. However, there will be no order as to costs.

Sd/-

Assistant Registrar (Records)

// 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 Tahsildar,
Melur Taluk,
Madurai District.

2.The Town Surveyor,
Melur Taluk,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

+1cc to M/s.SPL.GP, SR.No.33020 DATED:28.10.2021.

W.P(MD) .No.19044 of 2021
27.10.2021

SJ(CO)
GC/PM(09.11.2021) 3P 5C