



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2021

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.19726 of 2018

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.. Petitioner

Vs

1.The Tahsildar,
Agastheeswaram Taluk,
Agastheeswaram,
Nagarcoil-1,
Kanyakumari District.

2.The Head Surveyor,
Taluk Office,
Agastheeswaram Taluk,
Nagercoil -1,
Kanyakumari District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to measure and fix the four boundaries of the land admeasuring of 7½ cents in Survey No.491/12 and cents 19.375 in Survey No.491/14, thereby totally 26.875 cents with a well in Survey No.491/12, situated at Myladi Village, Agasteeswaram Taluk, Kanyakumari District bounded by (East) Vincent Paul, Micheal Raj Land, (South) Viyakulam, Joseph Land (West) Viyakulam , Guru Alexander Embarer land (North) Kulanthaisamy land by considering the petitioner's representation dated 14.08.2018.

For Petitioner : Mr.R.Anbarasu

For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

The case of the petitioner is that the property in S.Nos.191/12 and 191/14, measuring to a total extent of 26.875 cents, situated at Myladi Village, Agasteeswaram Taluk, Kanyakumari District belongs to his father and in fact, the same was the ancestral property.

2.According to the petitioner, his father was in peaceful possession and enjoyment of the said property and was regularly paying the tax also. The petitioner's father had executed a settlement deed on 24.06.2014, which was registered at Kottaram Sub Registry, Kanyakumari District vide Doc.No.1860/2014, in favour of



the petitioner. After the settlement deed, dated 24.06.2014 came into effect, the petitioner has been in possession and enjoyment of the said property without any interference. The patta has also been transferred in the name of the petitioner, after the execution of the settlement deed and the patta number is 3122. According to the petitioner, there is no rival claim and no civil proceedings is pending in any Court.

3.The grievance of the petitioner in this writ petition is that despite the patta standing in his name for the said property, the boundaries of the said property have not been properly demarcated and therefore, in order to survey and measure the subject land, he appears to have submitted a representation, dated 14.08.2018 to the respondents and as there has been no action forthcoming from the respondents, the petitioner is before this Court.

4.When the matter is taken up for hearing today, Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents would submit that the representation said to have been made on 14.08.2018 is not available in the office of the respondents and in case, the petitioner submits fresh representation to the respondents, the same will be considered within a time to be stipulated by this Court.

5.In consideration of the above submission, this writ petition is disposed of as under:-

i) The petitioner is directed to make a fresh representation to the respondents by paying necessary fee for the purpose of measuring and surveying of the property in question, within a period of one week from the date of receipt of a copy of this order.

ii) The respondents are directed to survey and measure the property, submit a report and mark a copy of the same to the petitioner, within a period of four weeks from the date of receipt of the fresh representation along with necessary fee from the petitioner.

6.No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Tahsildar,
Agastheeswaram Taluk,
Agastheeswaram,
Nagarcoil-1,
Kanyakumari District.

2.The Head Surveyor,
Taluk Office,
Agastheeswaram Taluk,
Nagercoil -1,
Kanyakumari District.

+1 CC to SPL GP (SR-4609[F] dated 11/02/2021)

W.P. (MD) No.19726 of 2018
09.02.2021

VB (01.03.2021) 3P 4C