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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10683 of 2022

R.Venkatachalapathy
Represented by his
Registered Power of Attorney Holder
M.Satheesh Kumar

...Petitioner

Vs

1. The District Collector,
District Collectorate,
Tiruppur - 641 604.
2. The Sub Collector / Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur - 641 601.
3. The Tahsildar,
Tahsildar Office,
Tiruppur North Taluk - 641 601.
4. The Chief Land Surveyor,
Tiruppur City Municipal Corporation,
Tiruppur - 641 604.
5. The Village Administrative Officer,
VAO Office,
Nerupperichal,
Tiruppur - 641 602.

...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to survey the land and fix the boundaries in respect to the land in Survey No.77/4 situated at Nerupperichal Village, Tiruppur North Taluk, Tiruppur District as per sale deed Document No.7409 of 2007 dated 30.07.2007 and issue individual patta in favour of the petitioner's principal R.Venkatachalapathy by considering the petitioner's application dated 23.03.2022.



For Petitioner : Mr.S.Ananth

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

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ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondents to survey the land and fix the boundaries in respect to the land in Survey No.77/4 situated at Nerupperichal Village, Tiruppur North Taluk, Tiruppur District as per sale deed Document No.7409 of 2007 dated 30.07.2007 and issue individual patta in favour of the petitioner's principal R.Venkatachalapathy by considering the petitioner's application dated 23.03.2022.

2.Mr.R.P.Murugan Raja, learned Government Advocate takes notice for the respondents. In view of the limited relief sought for in this petition, on the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3.The case of the petitioner is that, the land comprised in S.F.No.77/4 to an extent of 97 ½ cents i.e.0.97 ½ Acres was purchased by the petitioner's principal viz., R.Venkatachalapathy from one P.Ramasamy which was registered in sale deed dated 30.07.2007 vide Document No.7409 of 2007. Thereafter, the said R.Venkatachalapathy was in possession and enjoyment of the said property. Thereafter, the said R.Venkatachalapathy executed a General Power of Attorney in favour of one M.Satheesh Kumar, registered vide Document No.3063 of 2022 dated 22.03.2022. Thereafter, on behalf of the said R.Venkatachalapathy, the petitioner made a representation to the third respondent dated 23.03.2022 for surveying the subject land and for sub division patta. However, till date no order has been passed on the same. Hence, this present petition is filed.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the third respondent to consider the petitioner's representation for surveying the disputed property and pass orders on the same within a particular time frame fixed by this Court.

5.The learned Government Advocate has no objection for said order being passed.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the third respondent to consider the petitioner's representation



dated 23.03.2022 and after affording an opportunity of hearing to the petitioner and aggrieved parties, if any and pass appropriate orders to survey the subject property on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
District Collectorate,
Tiruppur - 641 604.
2. The Sub Collector / Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur - 641 601.
3. The Tahsildar,
Tahsildar Office,
Tiruppur North Taluk - 641 601.
4. The Chief Land Surveyor,
Tiruppur City Municipal Corporation,
Tiruppur - 641 604.
5. The Village Administrative Officer,
VAO Office, Nerupperichal,
Tiruppur - 641 602.

+1cc to Mr.D.Raghu, Advocate, S.R.No.29598

W.P.No.10683 of 2022

SPD(CO)
RGA(02/05/2022)