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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14311 of 2022

S.Mohan Kumar

...Petitioner

Vs.

The Tahsildar
Villupuram Taluk Office
Villupuram 605 602.

...Respondent

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to dispose of the petitioner's application No.2022/0105/07/389009 dated 11.04.2022 and survey the land and lay the boundary stone and issue separate patta to the petitioner in Survey No.163/6 measuring and extend of 0.62 cents, its divided from 1.52 cent in Plot Nos.4 & 5 to the total extent of 4160 sq.ft, Vacant land situated at Vinothini Nagar Layout, Salai Agaram Village, Villupuram Taluk, Villupuram District.

For Petitioner: Mr.P.Kannan

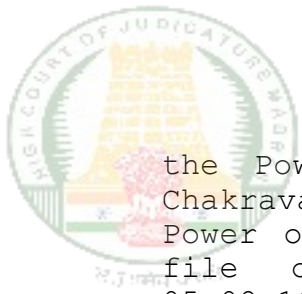
For Respondent: Mr.G.Krishna Raja
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus, directing the respondent to dispose of the petitioner's application dated 11.04.2022 and survey the land and lay the boundary stone and issue separate patta to the petitioner.

2.Mr.G.Krishna Raja, learned Additional Government Pleader takes notice for the respondent. 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 one Manicka Gounder is the absolute owner of the property situated in Survey No.163 to the extent of 3.94 cents at, Salai Agaram Village, Villupuram Taluk, Villupuram District and he got patta in his name. The said Manicka Gounder died leaving behind the following as his legal heirs viz., 1)Poora Samy, 2)Anandan and 3) Jayabalan, who created the layout. Thereafter, the legal heirs jointly executed



the Power of Attorney in favour of one Raickammal wife of Chakravorthy and Dhanalakshmi wife of Kathirvelu and the said Power of Attorney was registered as document No.80/1993 on the file of the Sub-Registrar Office at Villupuram, dated 05.08.1993. After that as Power Agent they sold the subject property in favour of one V.Sivaprakasam under a sale deed dated 18.04.1994. The said V.Sivaprakasam executed the Power of Attorney in favour of one R.Babu and the said Power of Attorney was registered as document No.509/2008 on the file of the Sub-Registrar Office, Villupuram, dated 05.11.2008. Thereafter, the said Babu as Power Agent sold the subject property in favour of the petitioner under a sale deed dated 10.11.2008 and registered the same as document No.3056/2008 on the file of the Sub Registrar Office, Villupuram. Thereafter, the petitioner has got absolute right over the subject property and was in possession and enjoyment of the property. The petitioner intended to get separate patta for his property and filed an application to measure the property and to identify the four boundaries. However, till date, no response or whatsoever has been received on the said representation. Hence, this present petition is filed to dispose of the said application.

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 respondent to consider the petitioner's application No.2022/01085/07/389009 dated 11.04.2022 and pass orders on the same within a particular time frame fixed by this Court.

5.The learned Additional Government Pleader appearing for the official respondent 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 respondent to consider the petitioner's application No.2022/01085/07/389009 dated 11.04.2022 on merits and in accordance with law and shall survey and measure the property in terms of the Survey and Boundaries Act, 1923 and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna/sk



To

The Tahsildar
Villupuram Taluk Office
Villupuram 605 602.

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+1cc to Mr.P.Kannan, Advocate, S.R.No.33265

+1cc to the Government Pleader, S.R.No.34613

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AJB (CO)

RGA (07/07/2022)