

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 1677 of 2018

S.M.Govindasamy

...Petitioner

Vs.

1. The Sub Collector,
Tindivanam.

2. The Tahsildar,
Marakanam.

3. Sundararaj
(R3- impleaded as per Court order dated
06.08.2019 in WMP.No.18314 of 2019
in W.P.no.1677 of 2018)

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to implement the order of the first respondent dated 03.06.2017 in Na,Ka.A2/3472/2016 to survey and measure the property of the petitioner in Old S.No.107/2 - 54 cents out of 1.22 acres New S.No.244/7 situated at Nadukuppam Village, Marakkanam Taluk, Villupuram District and thereby direct them to furnish a copy of the measured survey plan to the petitioner.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.Akila Rajendran, GA
Mr.T.Dhanasekaran R3

O R D E R

The Writ Petition has been filed seeking a direction to the second respondent to implement the order of the first respondent dated 03.06.2017 in Na,Ka.A2/3472/2016 to survey and measure the property of the petitioner in Old S.No.107/2 - 54 cents out of 1.22 acres New S.No.244/7 situated at Nadukuppam Village, Marakkanam Taluk, Villupuram District and thereby direct them to furnish a copy of the measured survey plan to the petitioner.

2.The case of the petitioner is that the petitioner is the

absolute owner of the property in old S.No.107/2-54 cents out of 1.22 acres, New S.No.244/7 situated at Nadukuppam Village, Marakanam Taluk. Originally, the petitioner's property was purchased by his mother Kuppammal Wife of Murugesu Kounder on 23.03.1947. After the death of the petitioner's mother, he became the absolute owner of the property. The patta to the property stands in the name of the petitioner's mother. In order to obtain patta and to fix the boundaries in the land, the petitioner made a representation on 02.06.2015 to survey and measure the land of the petitioner and the same was not considered. Hence, the petitioner filed a writ petition before this court in W.P.No.33249 of 2016, this Court directed the respondents to consider the petitioner's representation and to survey the land and measure the property within a period of eight weeks. Pursuant to which, the Sub Collector issued a Memo to the Tahsildar to measure the property. Even then, the second respondent has not taken any steps and hence, the petitioner filed a present writ petition before this Court seeking appropriate remedy.

3.The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to implement the order passed by the first respondent within the stipulated time as fixed by this Court.

4.The learned counsel for the 4th respondent submitted that in respect of the subject property, the petitioner has already filed a suit in O.S.No.199 of 2018 before the learned District Munsif court, Tindivanam for declaration against the third respondent and the same is pending.

5.Heard, the learned counsel for the petitioner, the learned Government Advocate appearing on behalf of the Government and the learned counsel for the 3rd respondent and perused the materials available on record.

6.The facts of the case are not in dispute. The petitioner claims that he is the owner of the afore said subject land. On the other hand, the 3rd respondent brought to notice of this Court that there is a dispute with regard to the property in old S.No.107/2-54 cents out of 1.22 acres, New S.No.244/7 situated at Nadukuppam Village, Marakanam Taluk. between the petitioner and the third respondent. In this regard, the petitioner has filed a suit in O.S.No.199 of 2018 on the file of the District Munsif, Tindivanam for declaration and the same is pending.

7.As rightly pointed out by the learned Government Advocate that when the suit is pending with regard to the disputed land, the revenue officials have no power to decide the issue for measuring the property The petitioner have every right to file

appropriate petition before the civil Court for getting remedy. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court directs the petitioner to file appropriate petition/application before the learned District Munsif Judge, Tindivanam for measuring the property within a period of four weeks from the date of receipt of a copy of this order. If such petition/application is filed, the learned Judge shall consider the same and pass appropriate orders, on merits and in accordance with law as expeditiously as possible.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Collector,
Tindivanam.
2. The Tahsildar,
Marakanam.

Copy To

The District Munsif,
Tindivanam.

+1cc to Mr.Suresh, Advocate, S.R.No.36548

+1cc to the Government Pleader, S.R.No.36948

W.P.No.1677 of 2018

MG(CO)
RGA(11/07/2022)