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W.P.No.30986 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.30986 of 2022

S.Santhi

... Petitioner

VS.

1.The District Collector,
Salem District.

2.The Tahsildar,
Salem Taluk, Salem District.

3.The Assistant Director,
Survey and Land Records Department,
Salem District.

4.The Taluk Sub-Inspector of Survey,
Salem Taluk, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to survey and fix the boundaries of the petitioner's land situate in Sivathapuram Village, Salem Taluk, Salem District, comprised in Survey No.4/3A, to an extent of 0.06.0 Hectare, bearing Patta Number 943, based upon the petitioner's payment receipt in Challan No.20221010007319, dated 10.10.2022.



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For Petitioner : Mr.S.Senthil

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the the respondents herein to survey and fix the boundaries of the petitioner's land situate in Sivathapuram Village, Salem Taluk, Salem District, comprised in Survey No.4/3A, to an extent of 0.06.0 Hectare, bearing Patta Number 943, based upon the petitioner's payment receipt in Challan No.20221010007319, dated 10.10.2022.

3.The case of the petitioner is that the subject land situated in Sivathapuram Village, Salem District, comprised in S.No.4/3A, measuring to an extent 0.06.0 Hectare, originally owned by one Amavasai, who purchased the property as five different sale deeds, two sale deeds dated 29.08.1981 from R.P.Anandhiyar and T.Ponnusamy, 06.05.1983 and 04.02.1985 from Muthammal and 25.10.1993 from Lakshmi. While so, some third parties, claimed ownership to the above said property, for which the said Amavasai filed a suit in O.S.No.1612 of 2004, on the file of the learned Additional District Munsif Court, Salem, seeking for Declaration and permanent



injunction against the property and the same was dismissed vide order dated 04.04.2006. Aggrieved against the same, the said Amavasai preferred an appeal in A.S.No.116 of 2006 before the I Additional Sub-Ordinate Court, Salem and the same was allowed by way of judgment and decreed dated 07.06.2011, declaring that the Amavasai as the absolute owner of the subject property. Thereafter, the said Amavasai executed a registered Sale Deed registered as Doc.No.1934 of 2011 dated 16.03.2011 in favour of one K.Jaganathan and he in turn executed a registered Sale Deed vide Doc.No.7336 of 2019 dated 14.11.2019 in favour of the petitioner. Till date the petitioner is in possession and in enjoyment of the property. On 06.10.2022, the petitioner made an application before the 2nd respondent for to survey and fix the boundaries of the above said property. The petitioner had also remitted the necessary fees vide Challan No.20221010007319, dated 10.10.2022. But, till date petitioner's representation was not considered and no order has been passed. Hence, the petitioner has come forward with the present Writ Petition.

4.The learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the respondents to survey and fix the boundaries



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of the petitioner's land situate in Sivathapuram Village, Salem Taluk, Salem District, comprised in Survey No.4/3A, to an extent of 0.06.0 Hectare, bearing Patta No. 943 and pass appropriate orders.

4.Mr.U.Bharanidharan, learned Additional Government Pleader, appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 06.10.2022, based upon the +6payment receipt in Challan No.20221010007319, dated 10.10.2022, on merits and in accordance and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.This Writ Petition is accordingly is disposed of. No costs.

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Index : Yes/No



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Speaking Order : Yes/No
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M.DHANDAPANI,J.

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