



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.242 of 2022

Nagalakshmi

... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai West Taluk,
Madurai District.

3.The Thashildar,
Madurai West Taluk,
Madurai District.

4.The Surveyor,
Madurai West Taluk,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 and 4 to survey the petitioner's property situated at Re.S.No.84/2 of Vellacheery Village, Thiruparakundram South Sub-Division, Madurai West Taluk, Madurai District by considering the petitioner's representation, dated 21.12.2021 within stipulated time fixed by this Court.

For Petitioner : Mr.T.Palanisamy

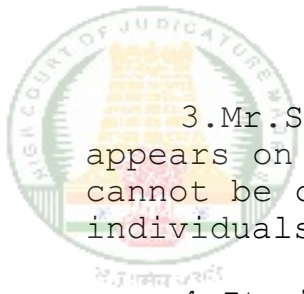
For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the respondents 3 and 4 to conduct a survey of the lands of the petitioner in Re.S.No.84/2, Vellacheery Village, Thiruparakundram South Sub-Division, Madurai West Taluk, Madurai District. The petitioner had given a representation on 21.12.2021 in this case.

2.The petitioner claims that he had purchased the aforementioned lands measuring to an extent of 5 cents equivalent to 2180 sq.ft from one Mr.Danaraj by a registered sale deed on 27.10.2015. The patta had been granted including the names of all the other persons, who had similarly purchased lands and the original area was to a larger extent.



3.Mr.S.Shanmugavel, learned Additional Government Pleader, appears on behalf of all the respondents pointed out that the survey cannot be conducted if the patta stands in the name of several other individuals.

4.It is seen that the sale deed has specific boundaries and therefore, a Mandamus is given to the Tahsildar and also to the fourth respondent/Surveyor, Madurai West Taluk, Madurai to make a field visit, issue notice to the petitioner, issue notice to all other joint pattadhars and thereafter, identify the lands of the petitioner and if it is identifiable to conduct survey. If it is not identifiable, the said official may pass necessary orders indicating that the lands are not identifiable. At any rate, the entire exercise should be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Revenue Divisional Officer,
Madurai West Taluk, Madurai District.
- 3.The Thashildar,
Madurai West Taluk,
Madurai District.
- 4.The Surveyor,
Madurai West Taluk,
Madurai.



+1 CC to M/s.T.PALANISAMY, Advocate (SR-790[F] dated 07/01/2022)

+1 CC to M/s.SPL.GP (SR-999[F] dated 10/01/2022)

W.P. (MD) No.242 of 2022
07.01.2022

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NSN (CO)

KB (25.01.2022) 3P 7C