



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.2894 of 2022

P.Sendrayan

.. Petitioner

Vs.

1.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

2.The Head Surveyor,
Nilakottai Taluk,
Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to survey the petitioners land comprised in S.No.993/2A, admeasuring 1 Acre 6 cents situated at Kottaipatti Village, Batlakundu, Dindigul District and issue separate Patta for the same in the name of petitioner and his family members in the light of his representation dated 25.09.2021 within the time frame as fixed by this Court.

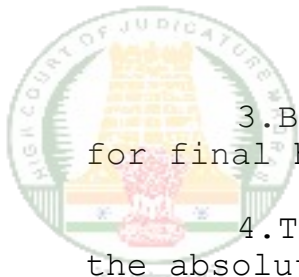
For Petitioner : Mr.S.Prabhu

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to survey the petitioner's land comprised in S.No.993/2A, admeasuring 1 Acre 6 cents situated at Kottaipatti Village, Batlakundu, Dindigul District and issue separate Patta for the same in the name of petitioner and his family members in the light of the petitioner's representation dated 25.09.2021, within the time frame to be fixed by this Court.

2.Heard Mr.S.Prabhu, learned counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



3.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4.The petitioner claims that he and his family members are the absolute owners of the aforementioned property. They have given a representation on 25.09.2021, requesting the respondents to survey their properties and issue patta for the same. Since the representation has not been considered till date, they have filed this writ petition.

5.No prejudice will be caused to the respondents, if the petitioner's representation, seeking for survey of the aforementioned property, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and his family members as well as any other rival claimants.

6.Accordingly, this Court directs the first respondent to survey the property in S.No.993/2A, admeasuring 1 Acre 6 cents situated at Kottaipatti Village, Batlakundu, Dindigul District, after affording a fair hearing to the petitioner and his family members as well as any other rival claimant and once the first respondent is convinced that the petitioner is the owner of the aforementioned property, issue patta in the name of the petitioner and his family members, within a period of four months from the date of receipt of a copy of this order. Since the petitioner has not filed acknowledgement card for his representation dated 25.09.2021, the petitioner is directed to give a fresh representation. Accordingly, the petitioner is directed to give a fresh representation with regard to the relief sought for in this writ petition, within a period of one week from the date of receipt of a copy of this order. On receipt of the same as directed supra, the respondent shall survey the said land and consider the petitioner's application seeking for patta, if the first respondent is satisfied that the petitioner and his family members are the absolute owners.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// 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 Tahsildar,
Nilakottai Taluk,
Dindigul District.

2.The Head Surveyor,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.S.PRABHU, Advocate (SR-6153[F] dated 15/02/2022)

+1 CC to M/s.SPL GP (SR-6191[F] dated 15/02/2022)

ORDER MADE IN
W.P (MD) .No.2894 of 2022
14.02.2022

PKP/25.02.2022/3P/5C