



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3553 of 2022

A.C.Durairaj

... Petitioner

/Vs./

1.The Tahsildar,
Viralimalai Taluk Office,
Pudukkottai District.

2.The Taluk Surveyor,
Viralimalai Taluk Office,
Pudukkottai District.

3.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

4.A.C.Selvaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents No.1 and 2 to take necessary steps to measure the land and fix the four boundaries bearing in S.F.No.229/1 to an extent of 2616 Sq.ft., out of 0.68.0 hectare in Patta No.2151, Viralur Village, Viralimalai Taluk, Pudukkottai District belonging to the petitioner with necessary police protection and issue separate patta, based on the petitioner's representation dated 17.04.2021 within a stipulated time in accordance with law.

For Petitioner	: Mr.M.Prabu
For R1 to R3	: Mr.B.Saravanan Additional Government Pleader
For R4	: Mr.S.Krishnan

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to take necessary steps to measure the land and fix the four boundaries in S.F.No.229/1 to an extent of 2616 Sq.ft., out of 0.68.0 hectare in Patta No.2151, Viralur Village, Viralimalai Taluk, Pudukkottai District, belonging to the petitioner with necessary police protection and issue separate patta, based on the petitioner's representation dated 17.04.2021, within a time frame to be fixed by this Court.



2.The petitioner claims that he is the absolute owner of the property in S.F.No.229/1 to an extent of 2616 Sq.ft., out of 0.68.0 hectare in Patta No.2151, Viralur Village, Viralimalai Taluk, Pudukkottai District, under the partition deed dated 19.10.2000.

3.The petitioner seeks for survey and demarcation of the boundaries in respect of the aforementioned property. He also seeks for a separate patta in his name for the aforementioned property. He has filed documents along with this writ petition to substantiate his case that he is the owner of the aforementioned property. It is for the official respondents to consider the same on merits and in accordance with law. The petitioner has given a representation in this regard on 17.04.2021 to the official respondents, calling upon them to conduct survey and demarcation of boundaries and also issue a separate patta in his favour. The said representation has not been considered till date. In such circumstances, the petitioner has filed this writ petition.

4.Heard Mr.M.Prabu, learned Counsel appearing for the writ petitioner, Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the official respondents and Mr.S.Krishnan, learned counsel, who accepts notice on behalf of the fourth respondent.

5.No prejudice would be caused to the official respondents, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner, the fourth respondent as well as any other necessary party, whom the first respondent deems fit to enquire. The petitioner seeks for survey and demarcation of the boundaries. He also seeks for issuance of separate patta in his name.

6.For the foregoing reasons, this Court directs the first respondent with the assistance of the second respondent to survey and demarcate the petitioner's property in S.F.No.229/1 to an extent of 2616 Sq.ft., out of 0.68.0 hectare in Patta No.2151, Viralur Village, Viralimalai Taluk, Pudukkottai District, in the presence of the petitioner, the fourth respondent and any other necessary party, whom the first respondent deems fit to put on notice and demarcate the boundaries thereafter within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.After survey and demarcation of the boundaries is completed, the first respondent shall consider the petitioner's representation dated 17.04.2021 seeking for issuance of separate patta in his name and pass final orders on merits and in accordance with law within a period of twelve [12] weeks thereafter, after affording a fair hearing to the petitioner, the fourth respondent and any other necessary party, whom the first respondent deems fit to enquire. If required, the first respondent shall seek assistance of the third



respondent police for the purpose of conducting survey and demarcation of the petitioner's land.

8.The status quo as on date shall be maintained. In case the petitioner desires of evicting the fourth respondent, he shall evict him only by following the due process of law. The fourth respondent shall fully co-operate for proper conduct of survey and demarcation of the boundaries.

9.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Tahsildar,
Viralimalai Taluk Office,
Pudukkottai District.
- 2.The Taluk Surveyor,
Viralimalai Taluk Office,
Pudukkottai District.
- 3.The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.

+1 CC to M/s.M. PRABU, Advocate (SR-19562[F] dated 20/04/2022)

+1 CC to M/s.SPL.GP. (SR-19723[F] dated 20/04/2022)

W.P. [MD]No.3553 of 2022

19.04.2022

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