



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.7451 of 2022

WEB COPY

S.Muralitharan

... Petitioner

Vs.

1.The Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.

2.The Head Surveyor,
Survey Branch,
Taluk Office Campus,
Melur,
Madurai District.

3.Karthika

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to carryout appropriate survey, demarcate and fix the boundaries of the petitioner's land comprised in Survey No.202/5E for an extent of 70 cents out of total extent of 0.29.0 hectares situate at Pudusukkampatti Village, Melur Taluk, Madurai District and issue separate patta in the name of the petitioner in respect of Survey No.202/5D for an extent of 44 cents out of total extent of 87 cents, and 224/5 for an extent of 35 cents out of total extent of 70 cents situate at the said place of Pudusukkampatti Village, Melur Taluk, Madurai District based on the petitioner's application for sub-division patta transfer dated 18.03.2022.

For Petitioner : Mr.R.Thangapandian

For Respondents 1&2 : Mr.B.Saravanan

Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 herein to carryout appropriate survey, demarcate and fix the boundaries of the petitioner's land comprised in Survey No.202/5E for an extent of 70 cents out of total extent of 0.29.0 hectares situate at Pudusukkampatti Village, Melur Taluk, Madurai District and issue separate patta in the name of the petitioner in respect of Survey No.202/5D for an extent of 44 cents out of total extent of 87 cents, and 224/5 for an extent of 35 cents out of total extent of 70 cents situate at the said place of Pudusukkampatti Village, Melur Taluk, Madurai District based on the



petitioner's application for sub-division patta transfer dated 18.03.2022.

2.The petitioner has submitted a representation to the respondents on 21.03.2022, seeking for survey and demarcation of boundaries in respect of the aforementioned property which he claims that it belongs to him absolutely. Since the said representation has not been considered till date, this writ petition has been filed.

3.Heard Mr.R.Thangapandian, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2.

4.The petitioner has produced documents in support of his case that he is the owner of the aforementioned property. He has sought for a survey and fixation of boundaries by the appointment of a Surveyor and the petitioner has given a representation on 21.03.2022 for the said purpose.

5.No prejudice would be caused to the official respondents, if the survey and demarcation of the boundaries is done in the presence of the petitioner, the third respondent and any other necessary party, whom the official respondents deems fit to put on notice at the time of survey.

6.For the foregoing reasons, the first respondent is directed to survey and demarcate the petitioner's property as stated supra with the assistance of the second respondent, in the presence of the petitioner, the third respondent and in the presence of 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. After survey and demarcation of the boundaries is completed, the first respondent shall consider the petitioner's application dated 18.03.2022, 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 third respondent and other rival claimants, if any.

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

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.

2.The Head Surveyor,
Survey Branch,
Taluk Office Campus,
Melur,
Madurai District.

+1 CC to M/s.R. THANGAPANIAN, Advocate (SR-19833[F] dated
20/04/2022)

+1 CC to M/s.SPL.GP (SR-20130[F] dated 21/04/2022)

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MGJ(04.05.2022) 3P 5C