



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.8444 of 2022

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Vellaichamy

... Petitioner

/Vs./

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.

3.The Tahsildar,
Ramanathapuram Taluk Office,
Ramanathapuram District.

4.The Firka Surveyor,
Ramanathapuram Taluk Office,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd and 4th respondents to survey the land in respect of Old Survey No.18, New Survey No.18/8 for an extent of 1 acre 87 cents situated at Nagachi Village, Ramanathapuram Taluk and District, based on the petitioner's representation dated 07.04.2022 and to grant patta in the name of petitioner.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 3rd and 4th respondents to survey the land in Old Survey No.18, New Survey No.18/8 measuring to an extent of 1 acre 87 cents situated at Nagachi Village, Ramanathapuram Taluk and District, and to grant patta in the name of petitioner, based on the petitioner's representation dated 07.04.2022, within a time frame to be fixed by this Court.



2.The petitioner claims that he is the absolute owner of the property in Old Survey No.18, New Survey No.18/8 measuring to an extent of 1 acre 87 cents situated at Nagachi Village, Ramanathapuram Taluk and District, under the will dated 10.06.2008.

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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 07.04.2022 to the 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.P.Muthusamy, learned Counsel appearing for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

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

6.For the foregoing reasons, this Court directs the third respondent with the assistance of the fourth respondent to survey and demarcate the petitioner's property in Old Survey No.18, New Survey No.18/8 measuring to an extent of 1 acre 87 cents situated at Nagachi Village, Ramanathapuram Taluk and District, in the presence of the petitioner and any other necessary party, whom the third 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 third respondent shall consider the petitioner's representation dated 07.04.2022 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 and any other necessary party, whom the third respondent deems fit to enquire.



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

Sd/-

Assistant Registrar (CS-I)

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/ /2022

Sub Assistant Registrar (CS)

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To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Tahsildar,
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Ramanathapuram District.
4. The Firka Surveyor,
Ramanathapuram Taluk Office,
Ramanathapuram District.

+1 CC to M/s.P. MUTHUSAMY, Advocate (SR-22539[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP (SR-23215[F] dated 02/05/2022)

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