



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE **ABDUL QUDDHOSE**

W.P. (MD) Nos. 8553 and 8554 of 2022

A.Sathish Kumar

... Petitioner in both cases

vs.

1. The Tahsildar,
Madurai North Taluk,
Madurai District.

... 1st Respondent in both cases

2. The Taluk Surveyor,
Madurai North Taluk,
Madurai District.

... 2nd Respondents in
W.P. (MD) Nos. 8553 of 2022

2. The Zonal Deputy Tahsildar,
Madurai North Taluk,
Madurai District.

... 2nd Respondents in
W.P. (MD) Nos. 8554 of 2022

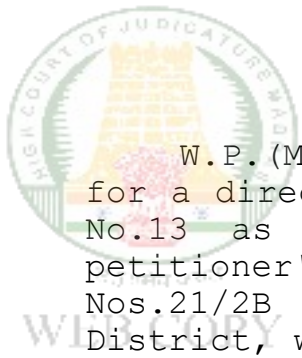
PRAYER in W.P. (MD) No. 8553 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to survey and determine the boundary of the property situated in Survey Nos. 21/2B and 21/2C, at Veppankulam, Madurai North Taluk, Madurai District, within a stipulated time as fixed by this Court.

PRAYER in W.P. (MD) No. 8554 of 2022: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to transfer the patta vide Patta No. 13 as a Joint patta in the name of legal heirs of the petitioner's father in respect of the property situated in Survey Nos. 21/2B and 21/2C, at Veppankulam, Madurai North Taluk, Madurai District, within a stipulated time as fixed by this Court.

For Petitioner : Mr. S. Balaji
For Respondents : Mr. M. Lingadurai
Special Government Pleader
(in both cases)

C O M M O N O R D E R

W.P. (MD) No. 8553 of 2022 has been filed for a Mandamus seeking for a direction to the respondents to survey and determine the boundary of the property situated in Survey Nos. 21/2B and 21/2C, at Veppankulam, Madurai North Taluk, Madurai District, based on the petitioner's representation dated 10.06.2020, within a time frame to be fixed by this Court.



W.P. (MD) No. 8554 of 2022 has been filed for a Mandamus seeking for a direction to the respondents to transfer the patta vide Patta No. 13 as a Joint patta in the name of legal heirs of the petitioner's father in respect of the property situated in Survey Nos. 21/2B and 21/2C, at Veppankulam, Madurai North Taluk, Madurai District, within a time frame to be fixed by this Court.

2. The petitioner has submitted applications on 10.06.2020 and 14.12.2020 to the respondents seeking for survey and demarcation of boundaries and for issuance of joint patta in the names of the legal heirs of the petitioner's father in respect of the aforementioned property, which he claims that it belongs to him and his family members absolutely. Since the said applications have not been considered till date, these Writ Petitions have been filed.

3. Heard Mr. S. Balaji, learned Counsel for the petitioner and Mr. M. Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has produced documents in support of his case that he and his family members are the owners of the aforementioned property. He has sought for survey and fixation of boundaries by the appointment of a Surveyor and for issuance of joint patta in the names of the legal heirs of the petitioner's father and the petitioner has submitted applications on 10.06.2020 and 14.12.2020 for the said purpose.

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

6. Accordingly, this Court directs the first respondent to survey and fix the boundaries with the assistance of the second respondent in the petitioner's property comprised in Survey Nos. 21/2B and 21/2C, at Veppankulam, Madurai North Taluk, Madurai District, after giving notice to the petitioner and any other necessary party, whom the first respondent deems fit to put on notice at the time of survey, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. On completion of survey, the first respondent shall consider the petitioner's application seeking for transfer of patta in the names of the legal heirs of the deceased petitioner's father and pass final orders on merits and in accordance with law within a period of twelve weeks thereafter after affording a fair hearing to the petitioner and any other necessary party whom the first respondent deems fit to enquire.



WEB COPY

W.P. (MD) Nos. 8553 and 8554 of 2022

8. With the above directions, these Writ Petitions stand disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

cmr

To

1. The Tahsildar,
Madurai North Taluk, Madurai District.
2. The Taluk Surveyor,
Madurai North Taluk, Madurai District.
3. The Zonal Deputy Tahsildar,
Madurai North Taluk,
Madurai District.

+1 CC to M/s. SPL. GP (SR-22962, SR-22967[F] dated 29/04/2022)

W.P. (MD) Nos. 8553 and 8554 of 2022
28.04.2022

RD(16.05.2022) 3P 5C