



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21118 of 2022

C.Arumugam

..Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai Central,
Madurai.

3.The Town Surveyor,
Madurai City Corporation,
Field Survey Division,
Madurai.

4.The Inspector of Police,
Sellur Police Station,
Sellur,
Madurai District.

5.Manoharan

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to survey the land in T.S.No.1791/6 in Sellur, Madurai District and demarcate the four boundaries on the basis of the Petitioner's representation, dated 27.08.2022.

For Petitioner :Mr.B.Manoj



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2

For Respondents: Mr.D.Sadiq Raja
1 and 2 Special Govt.Pleader

For Respondent-3: Mrs.S.Devasena
Govt.Advocate

For Respondent-4: Mr.B.Thanga Aravindh
Govt.Advocate(Crl.Side)

For Respondent-5: Mr.G.Prabhu Rajadurai

ORDER

The Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the third respondent to survey the land in T.S.No. 1791/6 in Sellur, Madurai District and demarcate the four boundaries on the basis of the Petitioner's representation, dated 27.08.2022.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The case of the Petitioner is that the above said property measuring an extent of 48 ½ cents originally belongs to the Petitioner's father Chokkan Aasari and he is entitled for the same by virtue of the Town Survey Land Register as per the proceedings, dated 26.2.2021 and the same also reflected in the Town Survey Register issued by the Revenue Department in the Petitioner's name. Whiles, the fifth respondent falsely claimed the said property mentioning the old S.No.

1791 relying upon the Parasalai Document Registration without



mentioning the Sub- division. The fifth respondent filed a suit in O.S.No. 599 of 2017 for injunction and obtained an order of injunction which was subsequently vacated by order, dated 27.6.2018 in I.A.No.936 of 2017. The Petitioner is now aged 58 years old and he wants to settle the property in favour of his only one son Muthuveeran. Now the co-sharer is entitled to 11 cents in the undivided share. Therefore the Petitioner decided to survey and demarcate the property and register the settlement. The Petitioner in this regard made an application on 27.8.2022 to the third respondent by paying the requisite fees. The same was not considered citing the pendency of the injunction suit. Hence, the Petitioner has come forward with this writ Petition for the relief stated supra.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the Petitioner's representation will be considered and appropriate orders will be passed, on merits and in accordance with law, within the time limit prescribed by this Court.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the Second to consider the representation of the Petitioner, dated 27.08.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of 12 weeks from the date of



receipt of a copy of this order.

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6. With the above direction, the Writ Petition stands disposed of.

Nocosts.

28.11.2022

Index : Yes/No

Internet: Yes/No

vsn

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5

V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN
W.P(MD)No.21118 of 2022

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