



W.P.(MD).No.21633 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21633 of 2022

Vadivel Joshva

... Petitioner

vs.

1. The Tahsildar,
Office of the Tahsildar,
Manamadurai,
Sivagangai District.
2. The Head Surveyor,
Manamadurai Tahsildar Office,
Manamadurai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to measure the land in Old Natham Survey No.109/2 Part, New Natham Survey No.245/14 (Patta No.245) situated at Rajakambeeram Village, Manamadurai Taluk, Sivagangai District, based on the petitioner's application dated 16.05.2022 and 05.09.2022 and submit the report to the first respondent within a stipulated time fixed by this Court.



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For Petitioner : Mr.D.S.Haroon Rasheed
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to measure the land in Old Natham Survey No.109/2 Part, New Natham Survey No.245/14 (Patta No.245) situated at Rajakambeeram Village, Manamadurai Taluk, Sivagangai District based on the petitioner's application dated 16.05.2022 and 05.09.2022 and submit a report to the first respondent.

2. The case of the petitioner is that originally the property in New Natham S.No.245/14 (Patta No.245) belongs to five persons viz., 1.Tamilselvi, 2.Muthumari, 3.Samuthiravalli, 4.Palanichamy and 5. Manjuladevi. Except Samuthiravalli other four persons executed a power of attorney in favour of the petitioner in respect of their four shares. All the revenue records stand in the name of the property holders and as a



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power of attorney, the petitioner has made an application to the first respondent on 16.05.2022 to survey the land. However, the officials have not surveyed the land. Hence, the petitioner has made a representation to the respondents on 05.09.2022. Since the said representation was not considered by the respondents, the petitioner has approached this Court, seeking direction to the second respondent to measure the land in S.No.245/14 (Patta No.245) and submit a report to the first respondent.

3. Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents would submit that the petitioner's application was received and there was an objection filed by one Muthu, W/o. Muthupandi, 2/186, Nadar Street, Rajakambeeram stating that already criminal cases are pending before Manamadurai Police Station on the persons, who have given power of attorney to the petitioner herein. Originally, the houses of Karuppiah, Samayan and Muthiah, sons of Raman in S.Nos.245/14, 245/15 and 245/16 respectively were together. Krishnan is the fifth legal heir and according to him, the said Krishnan's



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wife Tamilselvi and other legal heirs had changed the patta, as the patta has been granted erroneously and when the Karuppiah's legal heirs do not have any such right over the property, they have sold the property in favour of legal heirs of Krishnan and also the house which stood in the name of Karuppiah was demolished. So, a criminal case is pending in F.I.R.No.149. The said Muthu further states that he has purchased the land in S.No.245/15 from Raman in Document No.1996/2022 and the said Tamilselvi and others have given power of attorney to Vadivel Joshva. As many criminal cases are pending between the parties, he has objected for measuring the said property.

4. The Tahsildar, Manamdadurai, Sivagangai District has sent a notice to the petitioner herein to appear before the said authorities on 30.09.2022 at 4.00 p.m., with relevant documents for an enquiry. As the Tahsildar, Mandamadurai has already started the enquiry, the said Tahsildar is directed to hold an enquiry and pass appropriate orders regarding this issue.



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5. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No

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To

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V.BHAVANI SUBBAROYAN,J.

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