



W.P.(MD)No.21666 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21666 of 2022

A.Pattuvel

... Petitioner

Vs

1.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

2.The Head Surveyor,
Thoothukudi Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to take proper and necessary action to survey and demarcate the lands of the petitioner to an extent of 8 Acres 46 Cents, comprised in Survey No.471/7A1A, Kumaragiri @ Pudukkottai Village, Thoothukudi Taluk, Thoothukudi District, based on the representation dated 27.10.2020, within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

WEB COPY The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to take proper and necessary action to survey and demarcate the lands of the petitioner to an extent of 8 Acres 46 Cents, comprised in Survey No.471/7A1A, Kumaragiri @ Pudukkottai Village, Thoothukudi Taluk, Thoothukudi District, based on the representation dated 27.10.2020, within a time frame.

2.Heard Mr.G.Aravinthan, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submits that the petitioner purchased Punja lands measuring an extent of 8 Acres and 46 Cents, comprised in S.No.471/7A1A, Kumaragiri @ Pudukkottai Village, Thoothukudi Taluk and District, belonged to one Arumuga Nadar on 07.12.2006, vide Document No.4393/2006. The name of the petitioner had also been included in the Joint Patta in Patta No.3237, in respect of the above said land. The petitioner also paid tax arrears for the said land for the Fasli years 1414 to 1416 (2004 to 2006) on 10.03.2007 and 25.04.2007 respectively.



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Thereafter, the petitioner made arrangements for surveying the lands and on 26.11.2012, paid requisite fees for the same and also submitted a representation dated 20.02.2018, to the respondents 1 and 2. Since the said representation was not considered, the petitioner has filed W.P.(MD)No.17559 of 2018, seeking a direction to the respondents to survey and demarcate the lands purchased by him. This Court, vide order dated 06.08.2018, directed the respondents to survey and demarcate the lands within a period of four weeks from the date of receipt of a copy of the said order and also directed the respondents to issue proper notice to interested persons, if any. Thereafter, the Firka Surveyor from the second respondent Office issued a notice dated 26.09.2018, requesting the petitioner to produce all the relevant documents in respect of the land on 03.10.2018 at the Office of the Village Administrative Officer. Accordingly, the petitioner submitted all the relevant documents on 03.10.2018. Thereafter, the second respondent directed the petitioner to make payment of Rs.4,000/- towards charges for survey and demarcation. Accordingly, the petitioner has paid the said amount. Thereafter, no action has been taken. Hence, the petitioner has come up with the present Writ Petition for the relief stated supra.

4.Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents has produced a copy of the letter of the first respondent in



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Na.Ka.No.Aa6/5549/2020, dated 13.09.2022, addressed to the Government

WEB PLEADER, submitted that the petitioner's application dated 11.11.2020, was considered and the Taluk Surveyor, Pudukkottai, Thoothukudi District, has given a report dated 06.01.2021, stating that as per the documents, totally there are 8 Acre and 46 Cents of land and now, it is remaining only 3 Acre and 11 Cents, which has been converted into various plots and private individuals are in occupation of the same and therefore, they could not proceed further. If there is any difficulty, the petitioner can approach the competent civil court for appropriate remedy.

5.At the this juncture, the learned counsel appearing for the petitioner submits that the petitioner was not present at the time when the land was measured.

6.Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court directs the respondents once again to measure the property in the presence of the petitioner within a period of three months from the date of receipt of a copy of this order and if there is any further grievance, it is left open to the petitioner to approach the competent civil forum for appropriate relief in the manner known to law.



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7.This Writ Petition stands disposed of with the above directions. No

costs.

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Index : Yes/No
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To

1.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

2.The Head Surveyor,
Thoothukudi Taluk,
Thoothukudi District.



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V.BHAVANI SUBBAROYAN, J.

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