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W.P(MD)No.21894

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 25.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21894 of 2021

Singarayar

..Petitioner

Vs

1.The District Collector,
Thanjavur District.

2.The Sub-Collector,
Pattukkottai,
Thanjavur District.

3.The Tahsildar,
Pattukkottai Taluk,
Thanjavur District.

4.Anthonysamy
5.Y.Susaimanickam

..Respondents

(R4 and R5 are impleaded vide Court
Order dated 28.10.2022)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to conduct measurement and Survey for Survey Nos.521/4A and 521/4B Punavasal East, Pattukkottai Taluk, Thanjavur District and fix boundaries of the petitioner's property comprised in Survey No.521/4B, within a reasonable time.

For Petitioner :Mr.C.Padmaraj

For R1 to R3 :Mr.D.Sadiq Raja
Special Government Pleader

For R4 & R5 :Mr.V.Sasikumar



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ORDER

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The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents herein to conduct measurement and Survey for Survey Nos. 521/4A and 521/4B Punavasal East, Pattukkottai Taluk, Thanjavur District and fix boundaries of the petitioner's property comprised in Survey No.521/4B, within a reasonable time.

2.Heard Mr.C.Padmaraj, learned counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.V.Sasikumar, learned counsel appearing for the respondents 4 & 5.

3.The Petitioner's case is that his grandfather late Anthonisamy Udayar and his sons including his father Savarimuthu, one of his sons were jointly holding ancestral properties and there was a registered partition among them by virtue of a registered Deed of Partition in 1976 vide Doc.No.1565 of 1976 for the entire ancestral properties including Survey Nos.521/4A & 521/4B situated in Punavasal East, Pattukkottai Taluk, Thanjavur District. After the said partition among them, a joint patta was issued in the names of sons of Late Anthonisamy Udayar vide Patta No.1534 and Chitta also stands in their names jointly including his father Savarimuthu. On 21.09.2019 the petitioner's father sent representation to the first respondent for conducting survey,



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measurement and fixing boundaries of his property for Survey No.521/4A and Survey No.521/4B. In response, his father received a communication from the second respondent in Na.Ka.No.3521/2000/A5 dated 26.09.2020 directing the third respondent herein to take action on his application. Since there was no response from the third respondent, his father sent a further representation on 22.10.2020 to the Regional Deputy Tahsildar, Pattukkottai. But there was no response. The petitioner's father is aged 92 years and he was unable to run from pillar to post at this age. Hence, he sent a representation on 07.09.2021 by registered post with acknowledgement, but no action was taken to survey the above said land. Hence, the petitioner has approached this Court by way of filing the present writ petition for the above said relief.

4.The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that appropriate direction may be given to the first respondent to survey the petitioner's property, in accordance with law, within a time frame.

5.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents 1 to 3 to consider the petitioner's request and after issuing notice and affording an opportunity to the parties concerned, conduct survey in their presence and demarcate the land in Survey Nos.521/4A and 521/4B Punavasal East, Pattukkottai Taluk, Thanjavur District and fix boundaries of the petitioner's



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property comprised in Survey No.521/4B and pass orders in accordance with law and communicate the decision taken by the respondents to the petitioner and others concerned. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. If necessary, the concerned police shall give police protection for surveying the land and the petitioner shall pay the necessary charges for police protection. If the properties are yet to be partitioned, they can approach the Civil Court for proper partition.

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

25.11.2022

Index : Yes/No
Internet:Yes/No
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V.BHAVANI SUBBAROYAN,J.

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