



W.P.(MD)No.23669 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23669 of 2022

Mahalingam, S/o.Late.Gopal Chettiar

.. Petitioner

Versus

The Tahsildar,
Peraiyur Taluk,
Madurai District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to survey the lands and to fix the four boundaries in respect of the lands in S.Nos.143/1, 143/3, 144/1 and 144/4, measuring an extent of 2 Acre and 86 Cents, situated at Saptur Village, Peraiyur Taluk, Madurai District, within the time limit to be fixed by this Court.

For Petitioner : Mr.PT.S.Narendravasan

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondent to survey the lands and to fix the boundaries in respect of the lands in S.Nos.143/1, 143/3, 144/1 and 144/4, measuring an extent of 2 Acre and 86 Cents, situated at Saptur Village, Peraiyur Taluk, Madurai District,

<https://www.mhc.tn.gov.in/judis> within a time frame to be fixed by this Court.



W.P.(MD)No.23669 of 2022

2.Heard Mr.PT.S.Narendravasan, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate, who takes notice for the respondent. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the aforesaid lands were originally belonged to Muslim Jamath, Saptur. The petitioner and his brothers namely, Krishnasamy and Kandasamy purchased the properties from the said Muslim Jamath, Saptur Village, through the registered sale deeds, bearing Document Nos.396/1989 and 1299/1989 dated 27.03.1989 and 26.09.1989, respectively. From the date of purchase onwards, the petitioner and his brothers were in joint possession and enjoyment of the said properties and obtained a joint Patta in their names in Patta No.1910. Subsequently, on 22.12.2011, the petitioner's brother namely, Krishnasamy died, leaving behind his wife namely, Chinnathai, his daughters namely, Patchaiammal and Sundarammal as his legal heirs and the legal heirs of the deceased Krishnasamy are in joint possession in respect of the share belonged to Krishnasamy in the above said properties. Subsequently, the petitioner's another brother namely, Kandasamy also died on 12.12.2018, leaving behind his wife namely, Subbammal and his sons namely, Muthuraman, Muniyandi, Sundaramoorthi and his daughters namely, Petchiyammal and Murugalakshmi as his legal heirs and the legal heirs of



W.P.(MD)No.23669 of 2022

Kandasamy are in joint possession in respect of the share belonged to Kandasamy in the above said properties.

4.Further, according to the petitioner, the legal heirs of his brothers wanted to divide their respective shares from the above said properties and therefore, the petitioner and the legal heirs of his brothers jointly made an application before the respondent herein on 01.08.2022, seeking to survey the aforesaid lands along with necessary fees. However, no steps have been taken so far to measure the lands and to fix the boundaries. Having left with no other effective and efficacious alternative remedy, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Government Advocate appearing for the respondent submitted that the subject matter of the properties would be surveyed and demarcated by the respondent, based on the petitioner's representation dated 01.08.2022, within a time frame to be fixed by this Court.

6.Considering the aforesaid submission made by the learned Government Advocate appearing for the respondent, this Court, without going into the merits of the case, directs the respondent to survey the properties in



W.P.(MD)No.23669 of 2022

question and demarcate the boundaries, based on the petitioner's representation dated 01.08.2022, after affording an opportunity to all the necessary parties concerned, within a period of six weeks from the date of receipt of a copy of this order.

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

Index : Yes/No
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14.10.2022

To

The Tahsildar,
Peraiyur Taluk,
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W.P.(MD)No.23669 of 2022

V.BHAVANI SUBBAROYAN, J.

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W.P.(MD)No.23669 of 2022

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