



WEB COPY

W.P(MD)No.22006



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.22006 of 2021

Vedharaj

..Petitioner

Vs

1.The Tahsildar,
Eral Taluk,
Thoothukudi District.

2.J.Vanathi

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to survey and demarcate the property in Survey numbers 72/2A2, 72/1B situated at Perungulam Village, Eral Taluk, Thoothukudi District supported by the registered sale deed in document No.847 of 2020, on the file of Sub-Registrar, Perungulam, Thoothukudi by disposing of the petitioner's application dated 28.12.2020 on merits according to law.

For Petitioner :Mr.T.A.Ebenezer

For R1 :Mrs.K.Christy Theboral
Additional Government Pleader

For R2 :Mr.G.Mohankumar



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ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondent to survey and demarcate the property in Survey numbers 72/2A2, 72/1B situated at Perungulam Village, Eral Taluk, Thoothukudi District supported by the registered sale deed in document No.847 of 2020, on the file of Sub-Registrar, Perungulam, Thoothukudi by disposing of the petitioner's application dated 28.12.2020 on merits according to law.

2.Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner, Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the first respondent and Mr.G.Mohankumar, learned counsel appearing for the second respondent.

3.The Petitioner's case is that he has purchased the properties in survey numbers 72/2A2, 72/1B situated at Perungulam Village, Eral Taluk, Thoothukudi District vide the registered sale deed in document No.847 of 2020, on the file of the Sub-Registrar, Perungulam, from one Venkatesh Perumal S/o.Ramachandran, who is the general power agent of S.Pattukkani. He is in possession and enjoyment of the same. Since, he wanted to fence the land, he applied to survey and demarcate the land through his application date 28.12.2020. He paid the challan for the necessary fees to survey his land on 29.12.2020 to the first respondent herein. But till date, the first respondent



has not taken any steps to survey the land. In the meantime, the second respondent has objected to survey the land and she has filed a civil suit against her mother S.Pattukkani and others in O.S.No.32 of 2018 and the same was dismissed by the learned District Munsif, Srivaikundam on 31.10.2019. Aggrieved over the same, the second respondent filed an appeal before the Sub-Court, Tiruchendur in A.S.No.3 of 2020 is pending consideration. But, in the meantime, on 10.09.2020 the second respondent circulated a letter to the Sub-Registrar, Perungulam submitting that in respect of the properties comprised in Survey No.72/1, 72/2A she have no objection to transfer the ownership. The above letter was also circulated from the Sub-Registrar, Perungulam to the Sub-Registrar, Pudukkottai on the same day. Even after hearing the objector, his application has to be disposed of on merits by the respondent, but the respondent has not taken any action. Hence, the petitioner has approached this Court by way of filing the present writ petition for the above said relief.

4.The learned Additional Government Pleader appearing for the first respondent submitted that civil suit is pending for partition and hence, the authorities are not in a position to survey the land.

5.Considering the facts and circumstances of the case and also considering the fact that civil suit is pending for partition and after deciding the title only, the petitioner has to approach the authorities for surveying the land,



W.P(MD)No.22006

hence, this writ petition is disposed of with liberty to the petitioner to approach the authorities after civil suit is over. No costs.

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25.11.2022

Index : Yes/No
Internet:Yes/No
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To

The Tahsildar,
Eral Taluk,
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W.P(MD)No.22006

V.BHAVANI SUBBAROYAN,J.

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