



W.P(MD)No.25

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.11.2022**

WEB COPY

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)No.25266 of 2022**

Uththiraraj

... Petitioner

Vs

1.The District Collector,  
Tirunelveli District.

2.The Tahsildar,  
Ambasamudram Taluk,  
Tirunelveli District.

3.The Surveyor,  
Ambasamudram Taluk,  
Tirunelveli 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 2 and 3 to survey and fix boundaries in Survey Nos.16/51, 16/50, 16/52, 16/53A, 16/53B, 5/50A, 5/50B to the extent of 15 cents, 8 cents, 17 cents, 16 cents, 10 cents, 12 cents and 13 cents respectively situated at Adayakarunkulam Village, Ambasamudram Taluk, Tirunelveli District by considering the petitioner's online receipt, dated 12.07.2022 within a stipulated period as framed by this Court.



WEB COPY



W.P(MD)No.25.

For Petitioner : Mr.A.Sankararamasubramanian  
For R1 to R3 : Mr.D.Gandhiraj,  
Special Government Pleader  
For Intervenor : Mr.P.P.Alwin Balan

### **ORDER**

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to survey and fix boundaries in Survey Nos.16/51, 16/50, 16/52, 16/53A, 16/53B, 5/50A, 5/50B to the extent of 15 cents, 8 cents, 17 cents, 16 cents, 10 cents, 12 cents and 13 cents respectively situated at Adayakarunkulam Village, Ambasamudram Taluk, Tirunelveli District by considering the petitioner's online receipt, dated 12.07.2022 within a stipulated period as framed by this Court.

2.Heard Mr.A.Sankararamasubramanian, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 to 3.

3.The learned counsel appearing for the petitioner would submit that the properties in Survey Nos.138/1B, 16/51, 16/50, 16/52, 18/10 and 5/14 to the total extent of 130 cents situated at Adayakarunkulam Village, Ambasamudram Taluk, Tirunelveli District was originally belongs to Sivananaintha Perumal, son of Nallamada Nadar. The



W.P(MD)No.25.

said Sivananaintha Perumal is none other than the brother of the petitioner's father and he executed a settlement deed, dated 11.10.1976 in favour of the petitioner and his brother namely Sivananaintha Perumal son of Kalasamy Nadar. After that, he and his brother got possession and enjoyment of the same. The petitioner and his brother jointly purchased the property in survey Nos.16/53A, 16/53B, 5/50A, 5/50B to the total extent of 51 cents situated at Adayakarunkulam Village, Ambasamudram Taluk, Tirunelveli District from one Sornathammal, wife of Ramasubbu Nadar for valuable consideration. After the date of settlement and the sale deed, he and his brother Sivananaintha Perumal son of Kalasamy Nadar got possession and enjoyment of the same, the joint patta in Patta Nos.113, 934, 446, 933, 1345 and 542 has been issued in his name and his brother's name. In the meanwhile, his brother died. During the life time of his brother, he and his brother were not conducted any partition in respect of the above said properties. Therefore, the petitioner made an application, dated 09.07.2022 through online to the respondents 2 and 3 for the relief of survey and fix the boundaries in respect of the properties in Survey Nos.16/51,16/50, 16/52, 16/53A, 16/53B, 5/50A, 5/50B to the extent of 15 cents, 8 cents, 17 cents, 16 cents, 10 cents, 12 cents and 13 cents respectively situated at Adayakarunkulam Village, Ambasamudram Taluk, Tirunelveli District. The payment also paid by him on 12.07.2022 through online to the second respondent. After receiving the payment, the respondents 2 and 3 not even taken any steps to survey and fix the boundaries in the said properties. Hence, the



petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

WEB COPY

4.The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that one Sukirthala and three others filed a suit against the petitioner in O.S.No.171 of 2022, on the file District Munsif Court, Ambasamudram for permanent injunction and the said Sugirthakala has given a complaint to the Sub-Collector, Cheranmahadevi to cancelling the patta and he has also given an objection for measuring the said property. Based on the complaint given by her, by proceedings, dated 01.09.2022 the Sub-Collector has forwarded the same to the Tahsildar, Ambasamudram for taking necessary action on the said complaint.

5. Considering the facts and circumstances of the case and also considering the fact that the civil suit is pending before the District Munsif Court, Ambasamudram for permanent injunction and also the opposite party has raised an objection for measuring the property, this Court is not inclined to pass any order as the civil suit is pending. Accordingly, this writ petition is dismissed if both parties agreed, the same can be measured. No costs.

Index : Yes/No  
am

**08.11.2022**



W.P(MD)No.25.

WEB COPY

- To
- 1.The District Collector,  
Tirunelveli District.
  - 2.The Tahsildar,  
Ambasamudram Taluk,  
Tirunelveli District.
  - 3.The Surveyor,  
Ambasamudram Taluk,  
Tirunelveli District.



WEB COPY



W.P(MD)No.25

**V.BHAVANI SUBBAROYAN, J.**

am

**W.P(MD)No.25266 of 2022**

**08.11.2022**