



W.P.(MD)No.26294 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26294 of 2022

M.Kandhasamy

.. Petitioner

Versus

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

3.The Surveyor,
Taluk Office,
Dindigul West Taluk,
Dindigul District.

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to survey and sub-divide the petitioner's property and fix boundary stones in respect of S.F.No. 86/3A1A, 3J to an extent of 1.27 cents and S.F.No. 45/2B1A1 to an extent of 1 Acre 3 cents, situated at Kodolvavi Village, Dindigul West Taluk, Dindigul District, based on the petitioner's representation dated 05.05.2022, within a time frame.

For Petitioner : Mr.S.Karthik

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



W.P.(MD)No.26294 of 2022

ORDER

WEB COPY

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to survey and sub-divide his property and fix boundary stones in respect of S.F.No.86/3A1A, 3J, measuring an extent of 1.27 cents and S.F.No.45/2B1A1, measuring an extent of 1 Acre 3 cents, situated at Kodalvavi Village, Dindigul West Taluk, Dindigul District, based on his representation dated 05.05.2022, within a time frame.

2. Heard Mr.S.Karthik, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the properties in S.F.No.86/3A1A, 3J, measuring an extent of 1.27 cents and S.F.No.45/2B1A1, measuring an extent of 1 Acre 3 cents, situated at Kodalvavi Village, Dindigul West Taluk, Dindigul District, originally belonged to the petitioner's father. The petitioner and his brothers were enjoying the said properties along with their father and joint Patta was issued in their favour. While so, on 28.04.1976, the said properties were partitioned among the petitioner and his family members by a registered partition deed, bearing Document No.



W.P.(MD)No.26294 of 2022

431/1976. Thereafter, the petitioner's father died on 11.02.2013. After the demise of his father, the petitioner sent several representations, and finally, on 05.05.2022 to the respondents 2 and 3 along with requisite fees to survey and sub-divide the said properties. However, the respondents 2 and 3 have not considered the request of the petitioner for survey and sub-division of the said properties. Therefore, the petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned Special Government Pleader appearing for the respondents submitted that the petitioner has not produced all the relevant documents before the authorities concerned and if he produces the same, appropriate orders would be passed with regard to survey and sub-divide the aforesaid survey numbers, within a time frame to be fixed by this Court.

5. Considering the fact that the petitioner has not produced all the relevant documents in support of his claim and also considering the submission made by the learned Special Government Pleader appearing for the respondents, this Court, without going into the merits of the case, directs the petitioner to submit all the relevant documents before the respondents within a period of four weeks from the date of receipt of a copy of this order. On receipt of such documents, the respondents shall consider the representation of

<https://www.mhc.tn.gov.in/judis> the petitioner, dated 05.05.2022, with regard to survey and sub-division of the



W.P.(MD)No.26294 of 2022

properties in question and pass appropriate orders on merits and in accordance with law, after issuing notice to all the necessary parties concerned, within a period of 8 weeks thereafter.

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

Index : Yes/No
smn2

22.11.2022

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tahsildar,
Dindigul West Taluk,
Dindigul District.
- 3.The Surveyor,
Taluk Office,
Dindigul West Taluk,
Dindigul District.



WEB COPY



W.P.(MD)No.26294 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD)No.26294 of 2022

22.11.2022