



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 18.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.26170 of 2022

D.Balasingh

..Petitioner

Vs

1.The Tahsildar,
Office of the Tahsildar,
Thiruchendur,
Thoothukudi District.

2.The Head Surveyor,
Office of the Tahsildar,
Thiruchendur,
Thoothukudi.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to measure the land in S.No.423/3 situated at Ramasampuram, Keela Tiruchendur, Tiruchendur, Thoothukudi District based on the Petitioner's applications, dated 3.10.2022 and 11.10.2022 and submit the report to the first respondent within the time stipulated by this Court.

For Petitioner :Mr.D.S.Haroon Rasheed

For Respondents:Mr.D.Gandhiraj
1 and 2 Special Govt.Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the second respondent to measure the land in S.No.423/3



situated at Ramasampuram, Keela Tiruchendur, Tiruchendur, Thoothukudi District based on the Petitioner's applications, dated 3.10.2022 and 11.10.2022 and submit the report to the first respondent within the time stipulated by this Court.

2.Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the prayer mentioned property belongs to the Petitioner's father Duraisamy, who has purchased the property in the year 1943 vide document No.391/1943 from one Lakshmanan, measuring an extent of 60 cents. Subsequently, the Petitioner's father had executed sale deed in favour of one Ramasamy in Document No.174/1990 and the remaining extent of 59 cents is still in their possession. While so, in the year 1951, the Petitioner's father had given in lease the property in S.No.423/3 in Doc.No.2752 of 1951 in favour of Lakshmanan and made over to some other persons and thereafter, redeemed the property. The Petitioner's father died on 20.2.2003 and as per the legal heirs, there are three sons and two daughters and they have taken steps to partition the above said property. To ascertain the physical features of the said property, the Petitioner submitted an application on 3.10.2022 and also paid the necessary fees



and also sent another representation on 11.10.2022. Since the representations were not considered so far, the Petitioner has filed this Writ Petition for the relief stated supra.

4.The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the Petitioner's representations will be considered on merits and in accordance with law, within the period stipulated by this Court.

5.In view of the above submission, this Court, without going into the merits of the matter, directs the first respondent to consider the representations of the Petitioner, dated 03.10.2022 and 11.10.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs.

18.11.2022

Index : Yes/No

Internet:Yes/No

vsn

<https://www.mhc.tn.gov.in/judis>



To

1. The Tahsildar,
Office of the Tahsildar,
Thiruchendur,
Thoothukudi District.
2. The Head Surveyor,
Office of the Tahsildar,
Thiruchendur,
Thoothukudi.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.26170 OF 2022

18.11.2022



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