



WP(MD)No.3727 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.3727 of 2020

Ponnusamy

... Petitioner

Vs.

1.The Tahsildar,
Illuppur Taluk,
Pudukottai District.

2.The Head Surveyor,
Illuppur Taluk,
Pudukkottai District.

3.Porappakonar

... Respondents

(R3 impleaded vide Court order dated 03.04.2023 in W.M.P.(MD)No.478 of 2021 in W.P.(MD)No.3727 of 2020)

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 and 2 to measure and survey the properties in S.Nos.454/2F2 and 454/3A1 of Ennai Village, Illuppur Taluk, Pudukkottai District admeasuring 6 Ares and 38 Ares respectively and sub divide the same by considering the petitioner's application dated 20.01.2020 within a stipulated time fixed by this Court.



WP(MD)No.3727 of 2020

WEB COPY

For Petitioner : Mr.C.M.Appaji
For Respondents : Mr.J.John Rajadurai,
Government Advocate for R1, R2
Mr.A.S.Vaigunth for R3

ORDER

The above writ petition is filed for a mandamus directing the respondents 1 and 2 to measure and survey properties in S.Nos.454/2F2 and 454/3A1 of Ennai Village, Illuppur Taluk, Pudukkottai District admeasuring 6 Ares and 38 Ares respectively and sub divide the same by considering the petitioner's application dated 20.01.2020.

2. The petitioner would submit that the above lands had been purchased by his father under sale deed dated 26.03.2012. Thereafter, his father executed a registered settlement deed in Document No.230 of 2017 dated 15.03.2017 in favour of the petitioner. From the date of the settlement deed, the petitioner has been in peaceful occupation of the property and the revenue records stand in the petitioner's name. Since the property was not measured on the basis of the document and sub

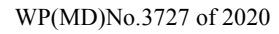


WP(MD)No.3727 of 2020

divided with boundary stones, the petitioner has made an application to the respondents 1 and 2 to survey and sub divide the property. Necessary charges have also been submitted by the petitioner. The respondents 1 and 2 did not proceed to survey and sub divide the property, which has constrained the petitioner to approach this Court.

3. The learned counsel appearing for the petitioner's neighbour, who has now been impleaded as the third respondent would submit that the property which the petitioner claims has earlier been purchased by the third respondent. Therefore, the third respondent has also to be present during the sub division since in the guise of sub dividing the property, the petitioner might take away a portion of the third respondent's property.

4. The learned Government Advocate appearing for the respondents 1 and 2 would submit that the respondents 1 and 2 would consider the request of the petitioner.



03.04.2023
(2/2)

$$mbi$$



WP(MD)No.3727 of 2020

WEB COPY

To

- 1.The Tahsildar,
Illuppur Taluk,
Pudukottai District.
- 2.The Head Surveyor,
Illuppur Taluk,
Pudukkottai District.



WEB COPY



WP(MD)No.3727 of 2020

P.T.ASHA, J.

mbi

WP(MD)No.3727 of 2020

03.04.2023
(2/2)