

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6464 of 2023

Muthupandi

... Petitioner

Vs

1. The Tahsildar,
Uthamapalayam Taluk, Theni District.

2. The Surveyor,
Uthamapalayam Taluk, Theni 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 second respondent to survey and fix the boundaries pertaining to the land bearing to survey No.21/1B of the Keelakoodalur Revenue village, Uthamapalayam Taluk, Theni District within the time limit fixed by this Court, based on the petitioner's application dated 06.04.2022 and subsequent notice issued by the second respondent, dated 09.12.2022.

For Petitioner

:Mr.K.K.Samy

For R1, R2

:Mr.J.Ashok

Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction against the first and second respondents/Tahsildar, Uthamapalayam Taluk, Theni District and the Surveyor, Uthamapalayam Taluk, Theni District to measure and survey the lands of the petitioner and fix the boundaries related to S.No.21/1B, in Keelakoodalur Revenue Village, Uthamapalayam Taluk, Theni District. The petitioner had given a representation on 06.04.2022. Necessary charges have also been paid.

2.Originally one Ochathevar was the owner of the lands. He had three sons, namely Ochathevar (Junior), Periyamayathever and Veeranan. The petitioner is the son of Veeranan. Periyamayathevar had a son called Murugan. Ochathevar (junior) had one son called Veeran. The father of the petitioner, Veeranan had also three sons namely Pandi, Muthupandi (petitioner) and Kadalpandi.

3.It is claimed that property should be measured according to the

partition deed, which had been executed among all the family members. Since the partition deed stated by the petitioner is not a registered one, the property could not have been divided into metes and bounds.

4.In view of these circumstances, it will only be appropriate that a direction is issued to the first respondent to issue notice to all the family members of the petitioner, after obtaining no objection from all the members, proceed with the survey, in accordance with law.

5.With the above directions, this Writ Petition stands disposed of, even without issuing notice to the fifth respondent. No costs.

24.03.2023

NCS :Yes/No
Index :Yes/No
Internet:Yes/No
PNM

To

1. The Tahsildar,
Uthamapalayam Taluk, Theni District.
2. The Surveyor,
Uthamapalayam Taluk, Theni District.

C.V.KARTHIKEYAN,J.

PNM

ORDER IN
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