



W.P.(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023
and

W.M.P.(MD)Nos.8161, 8191, 8195, 8359 and 8366 of 2023

W.P.(MD)No.9002 of 2023:-

Umadevi

... Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai District.

2.The Firka Surveyor,
Usilampatti,
Madurai District.

3.Palani

4.Vivek

5.Sabarivasan

6.Sakthivel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned online rejection order

1/10



W.P.(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

passed by the 1st respondent vide application No.2022/0154/24/009626 dated 19.01.2023 and quash the same as illegal and consequently direct the respondents 1 and 2 to conduct the survey in respect of 20 cents allotted the share of deceased Natarajan son of Ayyammai @ Annam comprised in Survey No.345/2A, T.S.No.2/7 and Survey No.345/3A, T.S.No.2/11 situated at Usilampatti village, Usilampatti Taluk, Madurai District and to demarcate the lands by fixing the four boundaries and issue join patta in the name of writ petitioner and her mother namely Lakshi wife of the deceased Natarajan to the said lands within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 & R2.
Mr.K.K.Samy for R3 to R6.

W.P.(MD)No.9027 of 2023:-

Veeramani

... Petitioner

Vs.

- 1.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 2.The Firka Surveyor,
Usilampatti,
Madurai District.
- 3.Palani
- 4.Vivek

2/10



W.P.(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

5.Sabarivasan

6.Sakthivel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned online rejection order passed by the 1st respondent vide application No.2022/0154/24/009630 dated 23.03.2023 and quash the same as illegal and consequently direct the respondents 1 and 2 to conduct the survey in respect of 20 cents allotted the share of deceased Shanmugam son of Ayyammai @ Annam comprised in Survey No.345/2A, T.S.No.2/7 and Survey No.345/3A, T.S.No.2/11 situated at Usilampatti village, Usilampatti Taluk, Madurai District and to demarcate the lands by fixing the four boundaries and issue individual patta in the name of writ petitioner within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.M.Prakash,
Addl. Government Pleader for R1 & R2.
Mr.K.K.Samy for R3 to R6.

W.P.(MD)No.9032 of 2023:-

P.Rathinamani

... Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai District.

3/10



W.P(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

2.The Firka Surveyor,
Usilampatti,
Madurai District.

3.Palani

4.Vivek

5.Sabarivasan

6.Sakthivel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned online rejection order passed by the 1st respondent vide application No.2022/0154/24/009627 dated 02.03.2023 and quash the same as illegal and consequently direct the respondents 1 and 2 to conduct the survey in respect of 15 cents out of 45 cents allotted the share of deceased Palsamy son of Ayyammai @ Annam comprised in Survey No.345/2A, T.S.No.2/7 and Survey No.345/3A, T.S.No.2/11 situated at Usilampatti village, Usilampatti Taluk, Madurai District and to demarcate the lands by fixing the four boundaries and issue individual patta in the name of writ petitioner within the time limit fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.C.Satheesh,
Government Advocate for R1 & R2.
Mr.K.K.Samy for R3 to R6.



W.P(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

W.P.(MD)No.9321 of 2023:-

P.Jayaveeranan

... Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai District.

2.The Firka Surveyor,
Usilampatti,
Madurai District.

3.Palani

4.Vivek

5.Sabarivasan

6.Sakthivel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned online rejection order passed by the 1st respondent vide application No.2022/0154/24/009628 dated 07.03.2023 and quash the same as illegal and consequently direct the respondents 1 and 2 to conduct the survey in respect of 15 cents out of 45 cents allotted the share of deceased Palsamy son of Ayyammai @ Annam comprised in Survey No.345/2A, T.S.No.2/7 and Survey No.345/3A, T.S.No.2/11 situated at Usilampatti village, Usilampatti Taluk, Madurai District and to demarcate the lands by fixing the four boundaries and issue individual patta in the name of writ petitioner within the time limit fixed by this Court.



W.P.(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1 & R2.
Mr.K.K.Samy for R3 to R6.

W.P.(MD)No.9333 of 2023:-

Murugesan

... Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai District.

2.The Firka Surveyor,
Usilampatti,
Madurai District.

3.Palani

4.Vivek

5.Sabarivasan

6.Sakthivel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for entire records relating to the impugned online rejection order passed by the 1st respondent vide application No.2022/0154/24/009629 dated 16.03.2023 and quash the same as illegal and consequently direct the respondents 1 and 2 to conduct the survey in respect of 15 cents out



W.P(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

of 45 cents allotted the share of deceased Palsamy son of Ayyammai @ Annam comprised in Survey No.345/2A, T.S.No.2/7 and Survey No.345/3A, T.S.No.2/11 situated at Usilampatti village, Usilampatti Taluk, Madurai District and to demarcate the lands by fixing the four boundaries and issue individual patta in the name of writ petitioner within the time line fixed by this Court.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.K.K.Samy for R3 to R6.

COMMON ORDER

The writ petitioners are legal heirs / descents of one Ayyammai @ Annam. The said Ayyammai @ Annam had lands in S.Nos.345/2 and 345/3A in Usilampatti Village. One Chellammal and Palani purchased one acre in S.No.345/2 and 20 cents in S.No.345/3A. As many as three sale deeds had been executed by Annam in favour Chellammal and Palani. Annam is no more. The writ petitioners entered into a registered partition among themselves. Now they want to have the partitioned land to be surveyed and earmarked. This was objected by the private respondents herein. That led to the filing of these writ petitions.



W.P(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

WEB COPY

2. When the writ petitions were taken up for final disposal, the learned counsel for the writ petitioners submitted that the writ petitioners shall respect the sales made by Annam in favour of Chellammal and Palani. They also will not have any objection for Palani and others to obtain pattas for the exact extent of lands purchased by them.

3. Since the writ petitioners have taken such a fair stand, the respondents will not be justified in opposing the request of the writ petitioners for conducting survey and measurement of the petition mentioned lands.

4. The respondents 1 and 2 are directed to accept the applications submitted by the writ petitioners and conduct survey as sought for. The private respondents herein will also be served notice. They can be present at the time of survey. But the respondents herein shall not raise any objection in view of the stand taken by the writ petitioners. Notice will be served to the other adjacent land owners, if any. The usual formalities shall be observed. At the end of the survey exercise, survey



W.P(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

report and sketch shall be prepared and served on the writ petitioners as well as private respondents herein. The entire survey exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is stated that the private respondents have filed civil suit seeking injunction. The outcome of survey will not have any bearing on the civil suit.

5.In this view of the matter, the impugned orders are set aside and the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

30.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 2.The Firka Surveyor,
Usilampatti,
Madurai District.



WEB COPY



W.P(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)Nos.9002, 9027, 9032, 9321 and 9333 of 2023

30.10.2023