



W.P(MD)No.22059 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22059 of 2022

Muthaiah

... Petitioner

Vs.

1.The Tahsildar,
Manoor Taluk,
Tirunelveli District.

2.The Head Surveyor,
Manoor Taluk,
Tirunelveli District.

3.Selvi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey the lands to an extent of about 6.11 cents comprised in S.no. 595/1C Alagiyapandiyapuram Village, Manoor Taluk, Tirunelveli District as per the sale deed of the petitioner dated 08.04.2014 and pass suitable orders to sub divide the petitioner lands and also to issue a separate patta for the above lands in the name of the petitioner based on the representations submitted by the petitioner before the 1st respondent within a time frame fixed by this Court.



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W.P(MD)No.22059 of 2022

For Petitioner : Mr.A.Mohan

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2.The petitioner has submitted a request for conducting survey of the petition mentioned lands.

3.The learned Additional Government Pleader on instructions from the first respondent submitted that the petitioner has purchased the property from one Uikattaal. But the said Uikattaal had appears to have settled the very same property in favour her grandchildren in the year 2012. Thereafter, she cancelled the said settlement deed. The stand of the opposite party is that a settlement deed once executed cannot be cancelled unilaterally. Since contentious issues have arisen, the revenue authority cannot consider the same. That is why, the revenue authority had informed the petitioner vide communication dated



W.P(MD)No.22059 of 2022

03.06.2022 that the petitioner has to move the jurisdictional Civil Court for relief. The approach of the Tahsildar, Manoor is correct.

4. Granting liberty to the petitioner to move the jurisdictional Civil Court, the writ petition is dismissed. No costs.

24.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Tahsildar,
Manoor Taluk,
Tirunelveli District.

2. The Head Surveyor,
Manoor Taluk,
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W.P(MD)No.22059 of 2022

G.R.SWAMINATHAN, J.

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