



W.P(MD)Nos.3216 of 2015 & 11581 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3216 of 2015
and
W.P.(MD)No.11581 of 2017

In W.P.(MD)No.3216 of 2015
P.Muthusamy (died)
2.Vetrivel

3.Ngammal

4.Nagarajan
(P2 to P4 are suo motu impleaded
vide order dated 06.07.2023)

... Petitioners

Vs.

The Tahsildar,
Taluk Office,
Kovilpatti Taluk,
Thoothukudi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to consider and dispose of the petitioner's representation dated 23.12.2014 within stipulated time frame fixed by this Court.

For Petitioners : Mr.R.Ganeshprabu

For Respondent : Mr.N.Satheeshkumar
Additional Government Pleader



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In W.P(MD)No.11581 of 2017

N.Senthurpandi

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to measure and demarcate the petitioner's land having extent of 9 acres 63 cents in S.No.162/3D2A1 and Patta No.3125 in Pandavarmangalam Village, Kovilpatti Taluk, Thoothukudi District and in his favour and considering the petitioner's representation dated 05.04.2017.

For Petitioner : Mr.N.Saravanan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2. One Muthusamy filed W.P.(MD)No.3216 of 2015 for directing the Tahsildar, Kovilpatti to survey and demarcate his land covered by the sale deed dated 05.05.1971. During the pendency of the writ petition, Muthusamy passed away and his legal heirs have come on record.

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3. The learned Additional Government Pleader submitted that one Senthurpandi had also filed W.P.(MD)No.11581 of 2017 seeking similar relief and the property claimed by Senthurpandi appears to overlap with the property claimed by Muthusamy. Therefore, I directed the Registry to list the matters together.

4. After going through the materials on record, I am satisfied that a common order has to be passed. The petitioners in W.P.(MD)No.3216 of 2015 are permitted to submit a fresh application for survey and measurement before the Tahsildar, Kovilpatti. Upon receipt of the same, the Tahsildar, Kovilpatti shall issue notice to Senthurpandi and other interested persons, if any. The Tahsildar, Kovilpatti shall endeavor to demarcate the respective lands. The stand of the Tahsildar appears to be that the extent of the land set out in the sale deed of Thiru.Muthusamy is not actually corresponding to the ground reality. The only direction that I am giving to the Tahsildar, Kovilpatti is to carry out the task of survey and demarcation as demanded by the respective parties. If there are difficulties on ground, the parties may be suitably informed. The parties



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will have to go before the jurisdictional civil court for establishing their respective claims. The entire exercise shall be completed within a period of eight weeks from the date of receipt of the application from the legal heirs of Muthusamy. The application of Thiru.Senthurpandi will also be dealt with in similar fashion.

5.These Writ Petitions are disposed of accordingly. No costs.

17.07.2023

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

The Tahsildar,
Taluk Office,
Kovilpatti Taluk,
Thoothukudi District.



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G.R.SWAMINATHAN, J.

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17.07.2023