



W.P.(MD)No.21543 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21543 of 2023

R.Kanagam

... Petitioner

versus

1. The Thasildar,
Vadipatti Taluk,
Madurai District.

2. N.Vellaichamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the first respondent to measure and fix the four boundaries of the petitioner's property comprised in S.No.9/1, 8/3, 8/4B, 9/2, 8/4A, 8/4C and 8/5A situated at Sembukudipatti Village, Thanichiyam Revenue Village, Vadipatti Taluk, Madurai District with the help of the Surveyor as per the Decree and Judgment of the suit in O.S.No.74 of 1997 on the file of the District Munsif Court, Madurai Taluk, dated 14.12.1998 and on the basis of the petitioner's representation dated 02.05.2023.



W.P.(MD)No.21543 of 2023

For Petitioner : Mr.M.Ponniah

For R1 : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The petitioner has submitted an application dated 02.05.2023 requesting the first respondent to measure the lands comprised in S.Nos.9/1, 8/3, 8/4B, 9/2, 8/4A, 8/4C and 8/5A situated at Sembukudipatti Village, Thanichiyam Revenue Village, Vadipatti Taluk, Madurai District and fix the four boundaries as per the decree and Judgment dated 14.12.1998 passed by the District Munsif Court, Madurai Taluk, in O.S.No.74 of 1997. Since the said application has not been considered, the present writ petition has been filed.

2. Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the first respondent, on instructions, submits that the petitioner is insisting to measure the lands, based on the Decree and Judgment dated 14.12.1998 passed by the District Munsif Court,



W.P.(MD)No.21543 of 2023

Madurai Taluk, in O.S.No.74 of 1997. The first respondent wants to ascertain as to whether any appeal is pending as against the decree passed in O.S.No.74 of 1997. Therefore, the petitioner's application has not been proceeded further .

3. The learned counsel appearing for the petitioner submits that the petitioner's husband got the said land through a registered partition deed dated 29.06.1983, however, boundaries have not been clearly mentioned in the partition deed. Therefore, he filed a suit in O.S.No.74 of 1997 before the District Munsif Court, Madurai Taluk and obtained a decree in his favour on 14.12.1998. Thereafter, the petitioner's husband died on 06.12.1999. He further submits that the petitioner was aware of the decree of the suit only in the month of February 2023 and after knowing the same, she filed this application on 02.05.2023. According to the petitioner, no appeal has been filed as against the Judgment and Decree passed in O.S.No.74 of 1997.



W.P.(MD)No.21543 of 2023

4. If there is any doubt with regard to the filing or pendency of any appeal as against the decree passed in O.S.No.74 of 1997, the first respondent shall issue a notice to the parties concerned under Section 10 of the Tamil Nadu Survey and Boundaries Act 1923 and after conducting an enquiry, complete the process of measuring the land and fixing the boundaries, within a period of 12 weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is disposed of. No costs.

04.09.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Thasildar,
Vadipatti Taluk,
Madurai District.



WEB COPY



W.P.(MD)No.21543 of 2023

B.PUGALENDHI, J.

ogy

W.P.(MD)No.21543 of 2023

04.09.2023