



W.P(MD)No.23029 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23029 of 2021

S.Ravikumar

... Petitioner

Vs

1.The Tahsildar,
Nanguneri Taluk,
Thirunelveli District.

2.S.Sucilkumar

3.S.Soundara Pandian

4.S.Vijitha Kamaladevi

(R.2 to R.4 are impleaded vide order

of this Court dated 02.01.2023 in

W.M.P(MD)No.877 of 2022 in

W.P(MD)No.23029 of 2021)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to survey the petitioner's land in Survey Number 280/2C(an extent of Hec.0-18-0), 349/2(an extent of Hec.0-11-5), 279(an extent of Hec.0-03-0), 28/2(an extent of Hec.0-63-0), 40/2A2(0-03-5), 57/2B1(an extent of Hec.0-14-0), 5/2A1(an extent of Hec.0-22-0), 5/6B1A2(an extent of Hec.1-05-0), 43/2B1(an extent of Hec.j0-19-0), 1114/8(an extent of Hec.0-12-40), 60/1C1 situated in Pathai, Kalakaddu, Cheranmahadevi Taluk, Tirunelveli based on the application made by the petitioner to the respondent dated 13.08.2021.



W.P(MD)No.23029 of 2021

For Petitioner : Mr.V.Shathurthi Raja
For Respondents : Mr.A.K.Manikkam
Special Government Pleader for R.1

Mr.K.Samidurai for R.2 & R.3

No appearance for R4

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks survey and measurement of the property based on the registered Will executed on 04.02.2013. The learned counsel appearing for the petitioner states that he seeks survey and measurement of the land that was bequeathed in his favour in the Will. It is true that the petitioner is not asking for anything beyond. But the fact remains that after the execution of the Will, a portion of the property was sold by the petitioner's father. That has led to some confusion. In these circumstances, the petitioner has to resolve the issue with his sibblings. If application signed by all the parties concerned is submitted, then certainly the respondent has to carry out the work of survey and measurement. If there is no consensus among the parties, then the petitioner has to necessarily obtain decree from the jurisdictional civil Court by filing partition suit. The authority cannot be directed to survey the property till then.



W.P(MD)No.23029 of 2021

3. Granting such liberty to the writ petitioner, this writ petition is disposed of. There shall be no order as to costs.

27.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

The Tahsildar,
Nanguneri Taluk,
Thirunelveli District.



WEB COPY



W.P(MD)No.23029 of 2021

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.23029 of 2021

27.01.2023