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WP.No.37437 of 2024

In the High Court of Judicature at Madras

Dated : 09.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37437 of 2024

Srivenkateshraj

...Petitioner

Vs

The Tahsildar, Edappady
Taluk, Edappady,
Salem District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the online applications of the petitioner dated 06.11.2024 and 11.11.2024 and survey the petitioner's lands in S.Nos.433/1A and 433/2A totally to the extent of 9 acres situated at Thangayur Village, Edappady Taluk, Salem District.

For Petitioner : Mr.V.Elangovan
For Respondent : Mr.A.Selvendran, SGP

ORDER

Seeking a direction to the respondent to consider his online applications dated 06.11.2024 and 11.11.2024 to conduct a survey in respect of the properties comprised in S.Nos.433/1A and 433/2A



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measuring 9 acres situated at Thangayur Village, Edappady Taluk, Salem District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondent.

3. The case of the petitioner is as follows :

(i) The agricultural lands in S.Nos.433/1A and 433/2A measuring 9 acres at Thangayur Village, Edappady Taluk, Salem District is the ancestral properties of the petitioner. As there had been a dispute with regard to the partition, the petitioner and another filed O.S.No.221 of 2013 on the file of the Third Additional District Court, Salem seeking partition of item Nos.1 and 2 of the suit properties and to allot shares to them, separate possession of the properties so allotted and to declare the sale deeds dated 26.5.2014 and 04.3.2016 as null and void. The said suit was decreed on 07.9.2019. As against the said decree, defendants 8 to 12 therein filed an appeal before this Court in A.S.No.974 of 2020. (ii) During the pendency of the said first appeal, a memo of compromise came to be filed and based on that, the said first appeal was disposed of on 01.8.2024. As per the terms of the said compromise, the petitioner has become the absolute owner of the said properties in S.Nos.433/1A and 433/2A of Thangayur Village,



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Edappady Taluk, Salem District measuring 9 acres and is in possession of the same. In order to get a separate patta for his possession, the petitioner made online applications on 06.11.2024 and 11.11.2024 to the respondent to conduct a survey and fix boundaries. He also paid necessary charges. As it did not evoke any response, the petitioner is before this Court.

4. The fact that the said properties belong to the petitioner is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner acquired the said properties by way of compromise entered into in A.S.No.974 of 2020 on 01.8.2024, he requested the respondent to conduct a survey and fix the boundaries.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the respondent to consider the online applications of the petitioner dated 06.11.2024 and 11.11.2024 to conduct a survey in respect of the said properties and pass appropriate orders within a period of five months from the date of receipt of a copy of this order. No costs.

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P.T.ASHA,J

RS

To
The Tahsildar, Edappady
Taluk, Edappady,
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