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WP.No.37438 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.37438 of 2024

Saravanan

...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 land in S.No.433/2A to the extent of 5 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 property comprised in S.No.433/2A measuring 5 acres



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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 petitioner purchased the agricultural land in S.No.433/2A measuring 5 acres at Thangayur Village, Edappady Taluk, Salem District from one Mr.Sriram and four others vide sale deed dated 20.12.2018 registered as doc.No.3320 of 2018 on the file of the Sub-Registrar, Sangagiri. Even before his purchase, one Mr.Srivenkateshraj and one Ms.Rajammal filed the suit in O.S.No.221 of 2013 before the Third Additional District Court, Salem against the vendors of the petitioner and others 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 - the vendors of the petitioner filed an appeal before this Court in A.S.No.974 of 2020.



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(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 property in S.No.433/2A of Thangayur Village, Edappady Taluk, Salem District measuring 5 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 property belongs to the petitioner is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner acquired the said property by way of sale, pursuant to the 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 property and



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pass appropriate orders within a period of five months from the date of receipt of a copy of this order. No costs.

09.12.2024

To
The Tahsildar, Edappady
Taluk, Edappady,
Salem District.

RS



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P.T.ASHA,J

RS

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