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W.P(MD)No.577

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.577 of 2024

M.Surendran

... Petitioner

Vs

1.The Tahsildar,
Usilampatti Taluk,
Usilampatti,
Madurai District.

2.The Taluk Surveyor,
Usilampatti Taluk,
Usilampatti,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey and demarcate the petitioner's land in patta No.4991 in Survey No.382/4A1B 1 acre 3 ½ cents situated at Pothampatti Village, Usilampatti Taluk, Madurai District based on his online application dated 09.02.2023.

For Petitioner

: Mr.M.Maran

For R1 & R2

: Mrs.K.Christy Theboral
Additional Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to survey and demarcate the petitioner's land in patta No.4991 in Survey No.382/4A1B 1 acre 3 ½ cents situated at Pothampatti Village, Usilampatti Taluk, Madurai District based on his online application, dated 09.02.2023.

2. By consent, this writ petition is disposed of at the admission itself.

3. Heard Mr.M.Maran, learned counsel appearing for the petitioner and Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the respondents 1 & 2.

4. According to the petitioner, a land comprised in Survey No.382/4A1 to an extent of 1 acre 3 ½ cents situated at Pothampatti Village, Usilampatti Taluk, Madurai District had originally belonged to his grand-father namely, Ayyavu @ Gurunatha Thevar, S/o.Gurunatha Thevar. Regarding the said land, his grand-father Ayyavu @ Gurunatha Thevar, S/o.Gurunatha Thevar obtained patta in his name from the Revenue authority in patta No.1835. During the life time of his grand-father, he had possessed and enjoyed the said property. The petitioner's grand-father died on 30.05.2019 leaving behind his wife and son as legal heirs namely Amsamani and Muniyandi. The petitioner's grand-mother Amsamani also died on 25.03.2021. After



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the death of his grandfather Ayyavu & Gurunatha Thevar, the petitioner's father Muniyandi being a legal heir, had possessed and enjoyed the said property. Even after the death of his grandmother, his father Muniyandi is the only legal heir of his grand-father and he executed a registered Gift deed in favour of his legal heirs namely 1.Surendran 2.Durgadevi, 3.Kasikannan, 4.Sneha vide document No.5581 of 2022 dated 28.11.2022 on the file of the Sub-Registrar Office, Usilampatti, Madurai District. After executing the above said gift deed, dated 28.11.2022, he petitioner and other legal heirs of Muniyandi approached the first respondent and submitted an application seeking issuance of patta in their name with relevant documents. Based on their application, on 28.12.2022 the first respondent sub-divided the land and issued separate patta in Patta No.4991 in survey No.382/4A1B. The petitioner and other legal heirs have made an online application with required fee Rs.800/- to the first respondent seeking survey and demarcate the land. Since, the respondents did not take any action, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that appropriate direction may be given to the respondents 1 & 2 to consider the petitioner's application, dated 09.02.2023, in accordance with law, within a time frame.



W.P(MD)No.577

WEB COPY

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's application dated 09.02.2023 and after issuing notice and affording an opportunity to the parties concerned, conduct survey in their presence and demarcate the land in S.No.382/4A1B situated at Pothampatti Village, Usilampatti Taluk, Madurai District and pass orders in accordance with law and communicate the decision taken by the respondents to the petitioner and others concerned. Such exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
Internet : Yes/No
am

11.01.2024



W.P(MD)No.577

WEB COPY

- To
- 1.The Tahsildar,
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 - 2.The Taluk Surveyor,
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V.BHAVANI SUBBAROYAN, J.

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