



W.P.(MD) No.21182 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

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M.Murugan

.. Petitioner

Vs.

1.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

2.The Sub Inspector of Survey,
Kayathar Taluk,
Thoothukudi District.

3.Chelladurai

4.Murugan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents herein to conduct survey, measure and fix boundaries of the land to the extent of 2 Acres and 10.50 cents situated in Survey No.1140 at Ayyanarruthu Village, Kayathar Taluk, Thoothukudi District based on online payment on 16.08.2022 within a reasonable time to be framed by this Court.



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For Petitioner : Mr.Aaayiram K.Selvakumar
For RR1 & 2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Seeking a mandamus to respondents 1 and 2 to conduct survey, and fix boundaries of the land to an extent of 2 Acres and 10.50 cents situate in Survey No.1140 at Ayyanarruthu Village, Kayathar Taluk, Thoothukudi District based on the online payment made on 16.08.2022, the petitioner is before this Court.

2. The petitioner's case is that the land measuring an extent of 2 Acres and 10.50 cents situate in S.No.1140, Ayyanarruthu Village, Kayathar Taluk, Thoothukudi District, was purchased by his father Maruthaiah through a registered sale deed dated 19.11.2003 and the revenue records were mutated in his name. While so, the third respondent and his men were disturbing the peaceful possession and enjoyment of the said property. Therefore, the petitioner's father filed a suit in O.S.No.185 of 2008 on the file of the District Munsif Court,



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Kovilpatti for injunction. The said suit was decreed in favour of the petitioner's father. Thereafter, on 27.07.2020, the petitioner's father executed a settlement deed with respect to all his properties including the petition mentioned properties in favour of the petitioner and his brothers viz., Vellaichami, Chokkaiah and Subramaniam. Subsequently, the revenue records were also mutated in their names and a joint patta was issued along with respondents 3 and 4. On 12.10.2023, the petitioner's father died. Therefore, in order to survey and measure the land and fix boundaries, the petitioner made a representation to the first respondent on 16.08.2022 by remitting necessary charges. In pursuance to the representation, the second respondent issued a survey notice to the third and fourth respondents for the survey to be conducted on 23.09.2022. However, the same could not be conducted due to the acts of respondents 3 and 4. Thereafter, the petitioner made repeated requests to respondents 1 and 2. The second respondent, in turn, issued another notice for survey to be conducted on 11.04.2023. Though the second respondent and his team visited the land to survey the property, they were forcefully returned by the attitude of respondents 3 and 4 on 11.04.2023. Therefore, left



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with no other option, the petitioner has filed this writ petition.

3. Heard the learned counsel on either side.

4. Considering the case of the petitioner and also the fact that the petitioner has made his representation as early as on 16.08.2022, a mandamus is issued to respondents 1 and 2 to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property. Since the property in question is an undivided property in respect of which patta is sought for, respondents 1 and 2 shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In case the patta has to be granted, it should be a joint patta. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



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5. With the above directions, this Writ Petition is allowed. No costs.

05.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

2.The Sub Inspector of Survey,
Kayathar Taluk,
Thoothukudi District.



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P.T.ASHA, J.

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