



W.P(MD)No.78 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.78 of 2024

Muneeswaran

... Petitioner

-Vs-

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

3.The Taluk Surveyor,
Kadayanallur Taluk,
Tenkasi District.

4.The Inspector of Police,
Sambavar Vadakarai Police Station,
Tenakasi District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the second respondent to issue a separate patta for Old S.No.165/3, New S.No.427/5 to an extent of 6 cents of Oormelazhagiyan Village, Kadayanallur Taluk, Tenkasi District by surveying the same and to demarcate the boundaries



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with the help of the fourth respondent police on the basis of the petitioner's representation dated 27.11.2023.

For Petitioner : Mr.M.Sankar
For Respondents : Mrs.K.Christy Thebaral
Addl. Govt. Pleader (for R1 to R3)

Ms.M.Aasha
Govt. Advocate (crl.side) (for R4)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the second respondent to issue a separate patta for Old S.No.165/3, New S.No.427/5 to an extent of 6 cents of Oormelazhagiyan Village, Kadayanallur Taluk, Tenkasi District by surveying the same and demarcating the boundaries with the help of the fourth respondent police on the basis of the petitioner's representation dated 27.11.2023.

2. Mrs.K.Christy Thebaral, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Ms.M.Aasha, learned Government Advocate (crl. side) takes notice for the fourth respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The specific case of the petitioner is that he got properties in Old S.No.165/3, New S.No.427/5 to an extent of 6 cents of Oormelazhagiyan Village, Kadayanallur Taluk, Tenkasi District from one Subramanian, who got the same through Court auction. Hence, he sent a detailed representation dated 27.11.2023 to the respondents requesting them to issue a separate patta by surveying his land with the help of police protection. Since no action has been taken, the present writ petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 by producing a copy of the letter dated 02.01.2024 would submit that the petitioner has stated that he is entitled 6 cents of the land in New S.No.427/55, however, as per Adangal, only 0.0070 square metre land are entered. Further, the land measuring an extent of 6 cents, in which, the petitioner sought for patta, is situated at S.Nos.427/55 and 430/2. Though the petitioner has stated that he is enjoying 6 cents of land, he is enjoying 4-1/2 cents alone. In the south side, one Murugesan S/o of Easski is enjoying 1-1/2 cents of land. Further, the petitioner has stated only S.No. 427/55, however, he is enjoying the lands measuring an extent of 4-1/2 cents in S.Nos.427/55 and 430/2.



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5. In view of the above, without going into the merits of the claim made by the petitioners in this Writ Petition, the respondents are directed to measure the said land properly and if the petitioner's land is being occupied by any other persons falsely, then, the respondents shall pass appropriate orders on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved by the order of the respondents, he can seek remedy before the appropriate forum.

6. With the above direction, this Writ Petition stands disposed of. No costs.

03.01.2024

Index : Yes/No
Internet : Yes/No
skn



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V.BHAVANI SUBBAROYAN, J.

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