



W.P.(MD)No.16700 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2025

CORAM:

THE HON'BLE MR. JUSTICE S.SOUNTHAR

W.P.(MD).No.16700 of 2025

M.Jelestin

... Petitioner

Vs.

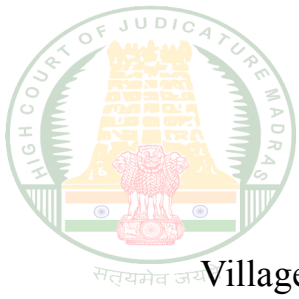
1. The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

2. The Taluk Surveyor,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

3. The President,
Rev.Sunil,
St.Fathima Church, Kallukootaam Post,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to conduct survey and demarcate the four boundaries of petitioner property situated in New S.No.355/6 measuring to an extent of 12 cents i.e.0.08.50 Ares situated at Kallukootaam Town Panchayat, Kallukootaam



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Village, Kalukulam Taluk, Colachel, Kanyakumari District by considering
petitioner application vide payment of challan dated 02.01.2025.

For Petitioner : Mr.M.Subbaiah
For R1 and R2 : Mr.D.S.Nedunchezian
Government Advocate
For R3 : M/s.Vijaya Shanthi

ORDER

The writ petition is filed seeking a direction to the respondents 1 and 2 to survey and demarcate the four boundaries of the petitioner's property situated in New S.No.355/6 measuring to an extent of 12 cents i.e.0.08.50 Ares situated at Kallukootaam Town Panchayat, Kallukootaam Village, Kalukulam Taluk, Colachel, Kanyakumari District by considering his application dated 02.01.2025.

2. According to the petitioner, 12 cents of land in S.No.335/6 at Kallukootaam Town Panchayat, Kallukootaam Village, Kalukulam Taluk, Colachel, Kanyakumari District in Kalu Town Panchayat originally belongs to his grandfather namely Sabarimuthu. After his demise, the petitioner's father namely Maria Sebastian enjoyed the property.



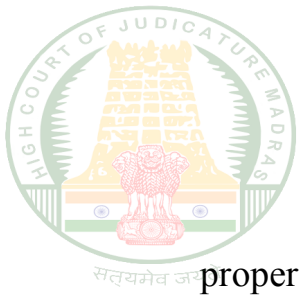
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The petitioner's father executed a Sale Deed in favour of the petitioner and his brothers on 29.12.2017. Since, then the petitioner and his brothers were jointly in possession and enjoyment of the subject property and the patta for the subject property also stands in their name jointly in Patta No. 7757.

3. The learned counsel appearing for the petitioner would submit that the petitioner submitted an application before the official respondent on 02.01.2025 in A.No.2025/0123/30/001295, seeking survey of the subject property situated in S.No.335/6 at Kallukootaam Town Panchayat, Kallukootaam Village, Kalukulam Taluk, Colachel, Kanyakumari District in Kalu Town Panchayat. However, the same has not been considered, hence the petitioner has come before this Court.

4. The learned counsel appearing for the contesting respondents would submit that the 3rd respondent acquired interest over 103/4 cents of land in S.No.335/6 vide three registered documents dated 10.07.1969, 18.03.1996 and 22.10.1999. Apart from the same, the 3rd respondent also claims right over 1/5th of share in the remaining 10 1/4 cents in the subject



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property under a oral gift allegedly executed by one Pananjothi deceased son of Sabarimuthu. Therefore, the learned counsel would submit that the petitioner's right over 12 cents in the subject property is very much disputed .

5. The learned counsel appearing for the petitioner in reply would submit that as per Correlation Register furnished by the Assistant Director, would indicate registered document relied on by the 3rd respondent is not relating to the subject property.

6. In view of the rival contentions raised by the 3rd respondent, this Court without expressing any opinion on the merits of the matter is inclined to direct the 1st respondent to consider the application submitted by the petitioner dated 02.01.2025 and pass final orders on its own merits within a period of twelve (12) weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner, co-pattadhars in Patta No. 7757 and the 3rd respondent.



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7. The writ petition is disposed of with the above observations. No costs.

14.08.2025
(4/4)

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

1. The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.
2. The Taluk Surveyor,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.



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S.SOUNTHAR, J.

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