

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.2.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NO.32102 OF 2014

S. Gananaprakasam

...Petitioner

Vs

1. The Tahsildar,
Office of the Tahsildar,
Chinna Salem,
Villupuram District.
2. The Head Surveyor,
Office of the Head Surveyor,
Chinna Salem,
Villupuram District
3. Kaliyan
4. Periyasamy
5. Ganesan
6. Govindaraj
7. Ilayaraja
(R3-R7 are impleaded as per order
dated 11.02.2015 in M.P.No.1
of 2015 in W.P.No.32102 of 2014)

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to forthwith survey and to fix the boundaries for the land of the petitioner comprised in Survey No.303/3, situated at Kachirayapalayam South Village, Chinna Salem Taluk, Villupuram District on the basis of the application of the petitioner dated 4.9.2013 .

For Petitioner : Mr. K. Selvaraj

For Respondents : Mr.S. Gunasekaran
Govt. Advocate (R1 & R2)

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondents 1 and 2.

2. The petitioner has filed this writ petition seeking a direction directing the respondents to survey the land of the petitioner comprised in S.No.303/3, Kachirayapalayam South Village, Chinna Salem Taluk, Villupuram District and fix the boundaries of the same based on the application of the petitioner dated 4.9.2013.

3. It is the case of the petitioner that his father was the absolute owner of the land comprised in S.No.343/3, Kachirayapalayam South Village, Chinna Salem Taluk, Villupuram District. After his father's demise, petitioner and his three brothers were in possession and enjoyment of the above said land and patta is also stands in the name of the petitioner and his brothers.

4. The petitioner submitted an application on 4.9.2013 to the 1st respondent for surveying the above said land to fix the boundary. Since no action was taken, he sent another representation dated 17.10.2014 to the respondents 1 and 2 requesting them to survey his land at the earliest. The respondents have not surveyed the petitioner's land and fixed the boundaries. Hence the petitioner has filed this writ petition to direct the respondents to survey his lands and fix boundaries based on his application dated 4.9.2013.

5. In the representation given by the petitioner to the respondent dated 17.10.2014, the petitioner seeks for surveying his property and fixing boundaries. The private respondents are the neighbours to petitioner. Therefore, not only the petitioner should be heard, but his neighbours should also be heard before any action could be initiated.

6. Accordingly, there will be a direction to the 1st respondent to consider petitioner's representation dated 4.9.2013 after issuing notice to the petitioner, as well as to the respondents 3 to 7 and pass orders on merits in accordance with law as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order.

7. The Writ petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Tahsildar,
Office of the Tahsildar,
Chinna Salem,
Villupuram District.
2. The Head Surveyor,
Office of the Head Surveyor,
Chinna Salem, Villupuram District

1 CC to the Government Pleader, SR.No. 7564

W.P.No.32102 of 2014

PPA (CO)
PSI (21.04.2015)

सत्यमेव जयते
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