



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2700 of 2016

and

W.M.P. (MD) .No.2384 of 2016

S.K.Jeganathan

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Tirunelveli.

2.The Tahsildar,
Sivagiri Town & Taluk,
Tirunelveli District.

3.The Surveyor,
Sivagiri Taluk Office,
Sivagiri Town & Taluk,
Tirunelveli 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 respondents to survey petitioner's properties situated in Survey No.627/1821, 2044 and 2046 with the Palace Compound Wall and demarcate the boundaries in Sivagiri Part II Village on the basis of the petitioner's application dated 12.01.2015.

For Petitioner

: Mr.U.M.Ravichandran

For Respondents 1 to 3

: Mr.R.Anandharaj

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a direction, directing the respondents to survey his properties situated in Survey No.627/1821, 2044 and 2046 within the Palace Compound Wall and demarcate the boundaries in Sivagiri Part II Village on the basis of his application, dated 12.01.2015.

2.According to the petitioner, he claims to be owner of the above mentioned properties He filed an application before the



respondents to survey and demarcate the boundaries and he has also paid necessary fees for the same. Sofar, no action has been taken by the second respondent. Hence, he has filed the present writ petition.

3.The second respondent has filed a counter affidavit stating that S.No.627/1821 belongs to the Government and the same is recorded as 'Government Official Building' as per the revenue records and the properties in S.No.2044 stands in the name of one Senthatti Kalai Pandiyan, who is none other than the father of the petitioner and the property in S.No.2046 stands in the name of one Kandasamy Thevar and nowhere in the revenue records, the petitioner's name reflects as owner of the land in question.

4.At this juncture, Mr.U.M.Ravichandran, learned counsel for the petitioner, submitted on the instructions of the petitioner that he is restricting his claim in respect of Sy.No.2044 alone, without prejudice to the petitioner's right to claim right over the other properties.

5.Considering the above facts and circumstances of the case, this Court is of the view, that admittedly, S.No.2044 stands in the name of the petitioner's father. Hence, the respondents 2 & 3 are directed to conduct survey of land in S.No.2044, situate in Sivagiri Part II Village on the basis of the petitioner's application, dated 12.01.2015 and pass orders, after issuing notice to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl)

/True Copy/

Sub Assistant Registrar

vs

To

1.The District Collector,
Collector Office,
Tirunelveli.

2.The Tahsildar,
Sivagiri & Taluk,
Tirunelveli District.



3.The Surveyor,
Sivagiri Taluk Office,
Sivagiri Town & Taluk,
Tirunelveli District.

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+1cc to Mr.U.M.Ravichandran Advocate Sr.No. 67241

+1cc to Spl.Government Pleader Sr.No. 67479

JAM/12.12.16/PV/3P-6C

W.P(MD)No.2700 of 2016
09.11.2016