



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

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WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P (MD) No.2489 of 2017**

T.Durairaj

... Petitioner

-vs-

1. The Tashildhar,
(Survey Section),
Manachanallur Taluk,
Trichy District.

2.K.Raju

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to survey and mark the boundary of the land in Old Survey No.391/1, New Survey No. 601/6, to an extent of 3 cents, on the basis of the application dated 25.11.2016 made by the petitioner within a time frame fixed by this Hon'ble Court.

For Petitioner: Mr.B.Saravanan
For R1 : Mr.M.Alagathevan
Spl. Govt. Pleader
For R2 : Mr.S.M.Mohan Gandhi

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to survey and mark the boundary of the land in Old Survey No.391/1, New Survey No. 601/6, to an extent of 3 cents, on the basis of the application dated 25.11.2016 made by the petitioner.

2. Heard the learned counsel on either side.

3. The case of the petitioner is that based on the application made by the petitioner on 25.11.2016, a Surveyor, who was duly deputed, attempted to survey his land and at that time, the 2nd respondent seriously objected to the said survey, pursuant to which, the Surveyor did not carry out any survey and measurement of the land. It is the further case of the petitioner that though he has all the relevant documents in support of his claim and the Surveyor is duty bound to act as per records, the 1st respondent has not thereafter taken any steps to arrange for survey of his land. Hence, aggrieved by the said act, the petitioner is before this Court.



4. After elaborate argument put forth by the learned counsel for the petitioner as well as the the learned counsel for R2, it is pertinent to mention here that the decision with regard to arrangement of survey of the land of the petitioner has to be taken by the 1st respondent, after perusing the documents to be produced by the parties connected thereto and this Court cannot mechanically direct the 1st respondent to survey the land without following due procedure.

5. Hence, the petitioner is directed to furnish necessary documents in support of his claim for consideration before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such documents, the same shall be considered and suitable orders passed in respect of deputation of a Surveyor for the said purpose, on merits and in accordance with law within a period of four weeks thereafter, after affording an opportunity of hearing to the petitioner, the 2nd respondent and other interested parties, if any.

6. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To:

The Tashildhar,
(Survey Section),
Manachanallur Taluk,
Trichy District.

+1cc to M/S.B.SARAVANAN, Advocate SR.No.83246
+1cc to M/S.S.M.MOHAN GANDHI, Advocate SR.No.83412
+1cc to Special Government Pleader, SR.No. 83535

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MAS/MR-KKR/SAR1:08.11.2017:2P-5C

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