



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.17640 of 2018

WEB COPY

Oomaya Gounder

... Petitioner

vs.

1. The Tahsildar
Musiri Taluk
Trichy District

2. The Taluk Surveyor
Musiri, Trichy District

3. Ponnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 and 2 to consider the representation of the petitioner dated 12.5.2017 and measure the property comprised in S.F.No.440/23, situated at Tholaiyanatham Village, Musiri Taluk, Trichy District on ground with respect to its boundaries and extents.

For Petitioner : Mr.V.Singan

For Respondents : Mr.A.Muthukaruppan

Additional Government Pleader for R1 & R2

ORDER

According to the petitioner, he is owner of the property, comprised in S.F.No.440/23 of Tholaiyanatham Village, Musiri Taluk, Trichy District. According to the petitioner, the property was purchased by his father under a registered sale deed, dated 21.09.1943. His father died some years back leaving the petitioner as the only legal heir. According to the petitioner, he is being in absolute enjoyment and possession of the property.

2. The petitioner appears to have submitted an application on 12.05.2017 to the first respondent for survey of the property under his enjoyment and occupation and also paid necessary fee into the Sub-Treasury, Musiri. Despite the application made as early as on 12.05.2017, so far no steps have been initiated by the respondents 1 and 2 for surveying the land and demarcating the boundaries of the same. Therefore, the petitioner is before this Court seeking for issue of writ of mandamus.

3. Mr.A.Muthukaruppan, learned Additional Government Pleader, takes notice for the respondents 1 and 2 and he would submit that already enquiry is under way.



4. At this juncture, the learned counsel for the petitioner submitted that no survey has been done in the subject property.

5. Considering the limited scope of the prayer sought in this writ petition, this Court, in the fitness of things, would pass the following directions.

- i The respondents 1 and 2 are directed to survey and measure the property comprised in S.F.No.440/23 of Tholaiyanatham Village, Musiri Taluk, Trichy District, demarcate its boundaries and file a report on such survey being undertaken.
- ii. It is made clear that the respondents 1 and 2 shall cause notice to any parties, who may be interested in the subject property, before surveying the property.
- iii. The survey shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar(CS-T&P)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Tahsildar,
Musiri Taluk,
Trichy District.
2. The Taluk Surveyor,
Musiri, Trichy District.

+1CC to Mr.V.Singan, Advocate, SR.No. 77810

+1CC to the Special Government Pleader SR.No. 77931

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