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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 9708 of 2020

V.Subramani

...Petitioner

Vs

1.The District Collector,
Tirupur District,
Tirupur.

2.The Revenue Divisional Officer,
Tirupur Taluk & District.

3.The Deputy Director,
Office of the District Land Survey Department,
Tirupur District,
Tirupur.

4.The Tahsildar,
Uthukuli Taluk, Tirupur District.

5.The Firka Surveyor,
Uthukuli Taluk,
Tirupur.

6.The Village Administrative Officer,
Komarakoundanpalayam Village,
Uthukuli Taluk.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of mandamus, directing the 5th respondent to survey the vacant lands in Survey Nos.53/2, 53/3, 53/4, 54/5 and 54/1 measuring 1.11.00 Hectares 0.1.00 Hectares, 0.48.00 Hectares, 0.14.50 Hectares and 4.36.19 Hectares



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respectively by metes and bounds and to derive out the boundaries for the same.

For petitioner : Mr.K.S.Kaviarasu

} Through VC

For respondents : Mr.A.Aruldas

Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 5th respondent to conduct the survey in the property and to fix boundary stones, based on the representation made by the petitioner on 20.02.2020.

2. The case of the petitioner is that the petitioner is the owner of certain agricultural lands which was jointly owned by the family and there was a joint patta issued in favour of all the co-owners. According to the petitioner, the properties were partitioned in the year 2011 and a registered partition deed was also executed on 13.11.2011 and the petitioner was allotted his share in the property. The petitioner made a representation to the respondents to survey the lands and to fix the boundaries in order to enable the petitioner to claim for a separate patta. On receipt of the application, a notice was also issued on 02.03.2020 by the 5th and 6th respondents informing the petitioner about the date and time at which the survey will be conducted. Since the representation was not acted thereupon, the present writ petition has been filed seeking for appropriate directions.

3. Heard Mr.K.S.Kaviarasu, learned counsel for the petitioner and Mr.A.Aruldas, learned Government Advocate for the respondents.

4. Taking into consideration, the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to respondents 4 to 6 to complete the survey and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

5. It goes without saying that the petitioner will have to pay the necessary charges for the purpose of conducting the survey. The petitioner is directed to make a fresh representation to respondents 4 to 6 along with a copy of this order.



6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS III)

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//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The District Collector,
Tirupur District,
Tirupur.
- 2.The Revenue Divisional Officer,
Tirupur Taluk & District.
- 3.The Deputy Director,
Office of the District Land Survey Department,
Tirupur District,
Tirupur.
- 4.The Tahsildar,
Uthukuli Taluk, Tirupur District.
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SVI (CO)
KKV/20/08/2020