



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.1035 of 2020

and

W.M.P (MD) No.832 of 2020

N.Natarajan

... Petitioner

Vs.

1.The Tahsildar,
Nagercoil East,
Nagercoil,
Kanyakumari District.

2.The Taluk Sub-Inspector,
Agastheeswaram Taluk,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to measure and demarcate the land in R.S.No.169/7 measuring 11 5/16 cent out of left over 20 cents at Neendkarai Village, Agastheeswaram Taluk based on the challan dated 22.04.2019 under receipt No.252 issued by the first respondent.

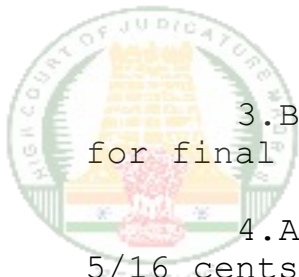
For Petitioner : Mr.G.Cenil

For Respondents : Mr.M.Pandiarajan,
Additional Government Pleader.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the respondents to measure and demarcate the land in R.S.No.169/7 measuring 11 5/16 cent out of left over 20 cents at Neendkarai Village, Agastheeswaram Taluk based on the challan dated 22.04.2019 under receipt No.252 issued by the first respondent.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents.



3.By consent of both parties, the writ petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, he is in possession of 11 5/16 cents out of the left over 20 cents in the total extent of 7-1/2 cents in R.S.No.169/7, Neendakarai Village, Agastheeswaram Taluk, by virtue of a registered Will dated 15.10.1990 executed by his father regarding several properties and the registered release deed dated 05.04.2004 executed by his brother in his favour. In order to measure and demarcate the said property, the petitioner made an application to the respondents. Though the petitioner has paid challan, the second respondent has not taken any steps to survey the said property. Hence, the petitioner has filed the present Writ Petition.

5.Mr.M.Pandiarajan, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that at the time of inspection, there was some objection by the adjacent land owners. Therefore, survey could not be carried out by the second respondent.

6.With regard to the submission made by the learned Additional Government Pleader, the learned counsel appearing for the petitioner submitted that there is no dispute as far as the said property is concerned and the petitioner has not received any communication from the second respondent.

7.In view of the above said submissions made by the learned counsel appearing on either side, this Court directs the first respondent / the Thasildar to conduct enquiry into the matter under Section 22 of the Tamil Nadu Survey and Boundaries Act, 1923 and pass appropriate orders on merits and in accordance in law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties, if any.

8.With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

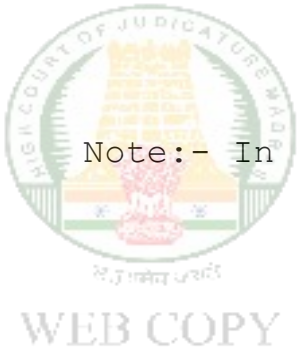
Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Tahsildar,
Nagercoil East,
Nagercoil,
Kanyakumari District.
- 2.The Taluk Sub-Inspector,
Agastheeswaram Taluk,
Kanyakumari District.

Order made in
W.P. (MD)No.1035 of 2020
Dated:21.07.2020

CK(CO)
TR(29.07.2020) 3P 3C