



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15540 of 2020

Ibrahim Badhusha

... Petitioner

-Vs-

1.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.The Assistant Commissioner,
Tirunelveli City Municipal Corporation,
Melapalayam Zone, Tirunelveli.

3.The Town Surveyor,
Melapalayam Zone, Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to conduct survey, measurement and fix boundaries of the petitioner's property comprised in Old Survey No.44B, New Town Survey No.44/2, situated in Ward No.29, Melapalayam Village, Palayamkottai Taluk, Tirunelveli District, on the basis of registered settlement deed No.2525, dated 21.05.2019, within a reasonable time.

For Petitioner	: Mr.N.Marimuthu
For R1 and R2	: Mr.Aayiram K.Selvakumar, Standing Counsel
For R3	: Mr.M.Pandiya Rajan, Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to conduct survey, measurement and fix boundaries of the petitioner's property comprised in Old Survey No.44B, New Town Survey No.44/2, situated in Ward No.29, Melapalayam Village, Palayamkottai Taluk, Tirunelveli District, on the basis of registered settlement deed No.2525, dated 21.05.2019.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.Aayiram K.Selvakumar, learned Standing Counsel takes notice on behalf of the respondents 1 and 2 and Mr.M.Pandiya Rajan, learned Additional Government Pleader accepts notice on behalf of the third respondent.



4. According to the petitioner, he is in possession and enjoyment of the property in Old Survey No.44B, New Town Survey No.44/2, situated in Ward No.29, Melapalayam Village, Palayamkottai Taluk, Tirunelveli District. He has sent a representation dated 29.09.2020 to the respondents to conduct survey, measurement and fix boundary and also paid necessary charges. Since no effective steps have been taken in this regard, he has approached this Court, seeking aforesaid prayer.

5. This Court without going into the merits of the case, directs the third respondent to survey the property of the petitioner, after affording opportunity to the petitioner and others, who are likely to be affected. The said survey shall be photographed and videographed in the presence of the petitioner and the costs of Photograph and Videograph to be borne by the petitioner. Such exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed.

6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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

The Town Surveyor,
Melapalayam Zone, Tirunelveli.

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-21396[F] dated 06/11/2020)

+1 CC to M/s.SPL GP (SR-21615[F] dated 09/11/2020)

Order made in
W.P. (MD)No.15540 of 2020
06.11.2020

PU(CO)

KB(24.11.2020) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>