



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.16246 of 2020

B.Thandavarayan

... Petitioner

-Vs-

1.The District Collector,
Thanjavur Collectorate,
Thanjavur.

2.The Tahsildar,
Papanasam Taluk, Thanjavur District.

3.The Taluk Surveyor,
Papanasam Taluk, Thanjavur District,
Thanjavur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to pass appropriate order on the petitioner's application dated 10.08.2020 to survey the petitioner's land in S.No.177/2, in Neikunnam Village, Papanasam Taluk, Thanjavur District.

For Petitioner	: Mr.A.Arun Prasad
For Respondents	: Mr.P.Kannithevan, Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to pass appropriate order on the petitioner's application dated 10.08.2020 to survey the petitioner's land in S.No.177/2, in Neikunnam Village, Papanasam Taluk, Thanjavur District.

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

3.Mr.P.Kannithevan, learned Additional Government Pleader accepts notice on behalf of the respondents.

4.According to the petitioner, the property in S.No.177/2 to the extent of 0.73.0 ares, in Neikunnam Village, is the self



acquired property of the mother of the petitioner, namely, Mangayarkarasi. She has executed a settlement deed in favour of the petitioner before the Sub Registrar, Needamangalam. Thereafter, the petitioner is doing agricultural work in the said property. In order to survey his land and mark boundaries, he has made an application dated 10.08.2020 to the respondents and also paid necessary charges for the same. However, no steps have been taken by the respondents. Hence, the petitioner has approached this Court, seeking aforesaid prayer.

5. When the matter is taken up for admission, it is represented by the learned Additional Government Pleader that survey has been conducted and the petitioner has not satisfied and he wants to conduct another survey. If the petitioner pays necessary charges for fresh survey including photograph and videograph, a fresh survey will be conducted.

6. This Court without going into the merits of the case, directs the respondents to conduct fresh survey of the property of the petitioner, after affording opportunity to the petitioner as well as the persons, 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.

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

Sd/-

Assistant Registrar (crl side)

// 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

1.The District Collector,
Thanjavur Collectorate,
Thanjavur.

2.The Tahsildar,
Papanasam Taluk, Thanjavur District.

3.The Taluk Surveyor,
Papanasam Taluk, Thanjavur District,
Thanjavur.

+1 CC to SPL GP (SR-22542[F] dated 23/11/2020)

W.P. (MD) No.16246 of 2020
19.11.2020

VB (30.11.2020) 3P 5C