



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 26.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.16847 of 2020

and W.M.P. (MD) No.14077 of 2020

(Through Video Conferencing)

WEB COPY

P.Chithirai Selvan

... Petitioner

Vs.

1.The Tahsildar,
Theni Taluk
Theni District.

2.The Head Surveyor,
Theni Taluk Office,
Theni District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to take the petitioner's objection dated 04.11.2020 on file and hold an enquiry as per section 10(1) of Tamil Nadu Survey and Boundaries Act in respect of a subject matter in connection with survey the property situated in Survey No.91/4 at Koduvilarpatti Village, Theni Taluk, Theni District.

For Petitioner : Mr.R.Anand

For Respondents : Mr.K.P.Krishnadoss

Spl.Government Pleader

O R D E R

The writ petition has been filed for a direction to the 2nd respondent to take the petitioner's objection dated 04.11.2020 on file and hold an enquiry as per section 10(1) of Tamil Nadu Survey and Boundaries Act in respect of a subject matter in connection with survey the property situated in Survey No.91/4 at Koduvilarpatti Village, Theni Taluk, Theni District.

2.Heard the learned counsel for the petitioner as well as the learned Special Government Pleader, who takes notice for the respondents. By consent of both sides, the writ petition is taken up for final disposal.

3.The petitioner's case is that he is in possession and enjoyment of the ancestral property and doing agricultural activities. While so, one Sadaiyappan, who is a third party and who has no connection whatsoever in the property of the petitioner, in connivance with the officials, changed patta in his



name and sought for survey of the property. The petitioner has made objections as per Section 10(1) of the Tamil Nadu Survey and Boundaries Act. While so, for measuring the property and for fixing the boundaries, the said Sadaiyappan approached the respondents by remitting necessary fee and application. Subsequently, the petitioner sent a representation on 04.11.2020 by raising certain objections for surveying the property. However, since no action has been taken either on the said representation or on the application for measuring the property, the petitioner is before this Court.

4. Heard the learned Special Government Pleader, who would submit that while surveying the property, objections raised by the petitioner would be considered by the respondents.

5. This Court is not inclined to go into the factual aspects. However, in view of the said submission made by both sides and in the light of the judgment in W.P.(MD) No.13465/2020, modified on 13.10.2020 as well as the guidelines issued in W.P.(MD) No.7746/2020 dated 23.09.2020, the respondents shall survey the land and take a decision with regard to issuance of patta, as the case may be. While taking a decision, necessary parties should also be heard and the objections raised by the petitioner need to be considered. It is made clear that the decision to be taken shall be communicated to the petitioner. The petitioner is expected to produce all the documents to substantiate his case. The aforesaid exercise shall be completed within a period of 90 days from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above directions. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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,
Theni Taluk, Theni District.

2.The Head Surveyor,
Theni Taluk Office, Theni District.

+1 CC to SGP (SR-23134[F] dated 27/11/2020)

Order made in
W.P. (MD)No.16847 of 2020

Dated:
26.11.2020

PM(CO)
KM (10.12.2020) 3P 4C