



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2021

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.17249/2021

[Video Conferencing]

Sadaiya Gonder

... Petitioner

Versus

1.The Tahsildar
Chinna Salem Taluk
Kallkurichi District.

2.The Head Surveyor
Chinna Salem Taluk
Kallkurichi District.

... Respondents

Prayer : - Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents either jointly or severally to survey the land comprised in S.No.101/8C, 0.2.00 ares, 124/4A 0.21.50 Ares, 124/4C-16.50 Ares, 124/5-0.19.00 Ares, 124/6B-0.26.50 Ares total extent of 0.80.50 Ares, situated at Thimmapuram Village, Chinna Salem Taluk, Kallkurichi District in accordance with law.

For Petitioner	:	Mr.P.Ganapathy
For Respondents	:	Mr.Yogesh Kannadasan Government Advocate

ORDER

- (1) Mr.Yogesh Kannadasan, learned Government Advocate accepts notice on behalf of the respondents.
- (2) The petitioner seeks survey of lands which he claims that he holds and which are agricultural lands in Patta No.96 and which are in S.Nos. 101/8C-0.2.00 ares, 124/4A-0.21.50 Ares, 124/4C-16.50 Ares, 124/5-0.19.00 Ares and 124/6B-0.26.50 Ares, totally measuring 0.85.50 Ares in Thimmapuram Village, Chinna Salem Taluk, Kallkurichi District.



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- (3) The petitioner claims that he is in possession and enjoyment of the said properties for nearly about 40 years. The petitioner had applied for survey of the said lands and had paid necessary charges on 10.06.2020. Claiming that the 1st respondent/Tahsildar, Chinna Salem Taluk, had not taken any steps to comply with the said requirements in the representation, the present writ petition has been filed in the nature of a mandamus.
- (4) Having heard the learned counsel for the petitioner and also the learned Government Advocate appearing for the respondents, I am of the view that a mandamus can be issued particularly, because the petitioner appears to have applied in proper form and had also paid necessary charges for the same and therefore, a mandamus is directed to the 1st respondent to take the assistance of the 2nd respondent/Head Surveyor and measure the lands of the petitioner. Prior to embarking on such venture, the 1st respondent may examine the land holdings and the records of the petitioner and also the revenue records, satisfy himself and thereafter, conduct survey of the lands of the petitioner. If for some reasons, the 1st respondent has some reservations over conducting the said survey, it would only be appropriate that he give necessary reasons for the same. The entire exercise should be completed within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner may also forward a copy of the order in WP [MD] No.14036/2020 [Vettaiyar Vs. The Tahsildar, Ilayangudi Taluk, Sivagangai District] dated 09.10.2020 rendered by a learned Single Judge of Madurai Bench of this Court, where I am informed that detailed steps have been given for conducting survey of land.
- (5) The writ petition stands disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

AP
To
1.The Tahsildar
Chinna Salem Taluk
Kallkurichi District.



2.The Head Surveyor
Chinna Salem Taluk
Kallkurichi District.

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+1 CC to Mr.P. Ganapathy, Advocate sr 41196
+1 CC to The Government Pleader sr 41505.

WP.No.17249/2021

PCH(CO)
SP(02/09/2021)