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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18261 of 2021

M.Bakthavatchalam

... Petitioner

Vs.

1.The Tahsildar,
Bahour Taluk,
Bahour,
Puducherry.

2.The Deputy Surveyor,
Bahour Taluk,
Bahour,
Puducherry.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to survey the petitioner's property in R.S.No.2/1, 2/2 & 3/1, Kirumambakkam Village, Bahour Taluk and issue a survey report based on the petitioner's application dated 27.10.2020 within a time frame as fixed by this Court.

For Petitioner : Mr.C.Anbu
for Mr.M.R.Thangavel

For respondents : Mrs.V.Usha
Additional Government Pleader,
Pondicherry

ORDER

The petitioner has filed a mandamus to direct the respondents to survey the petitioner's property in R.S.Nos.2/1, 2/2 & 3/1, Kirumambakkam Village, Bahour Taluk and issue a survey report based on the petitioner's application dated 27.10.2020 within a time frame as fixed by this Court.



2.The case of the petitioner is that his father viz., Muthu Purushothaman Reddiyar purchased an extent of 1.30.00 hectares of land situated in Old S.No.649/2, Kirumambakkam Village by a sale deed dated 18.01.1952 executed by one Subramanian son of Rangasamy Kumar. According to the petitioner, ever since the date of the said sale deed his father was in actual possession and enjoyment of the said land. After the resettlement, Old S.No.649/2 was numbered as R.S.Nos.2/1, 2/2 & 3/1 vide patta No.277 issued by Tahsildar, Bahour.

3.It is also the case of the petitioner that his father expired on 02.01.2001 leaving behind the petitioner as the sole legal heir. After the demise of his father, the petitioner is in actual possession and enjoyment of the said property. October 2020 onwards, there is disturbances from the adjacent land owners to the petitioner's peaceful possession and enjoyment of the said property. Hence, the petitioner made an application to the respondent on 27.10.2020 seeking to survey the land in S.Nos.2/1, 2/2 and 3/1, Kirumampakkam Village along with the title document.

4.According to the petitioner, he has paid Rs.150/- as demarcation charges vide receipt No.394227 dated 05.11.2020 and the Deputy Surveyor/the second respondent issued notice to the petitioner intimating the surveyor would cause site inspection and enquire into the matter and the petitioner was required to attend the same with connected documents on 11.11.2020. According to the petitioner, he was surprised that though his application seeking to survey his lands in survey numbers viz. 2/1, 2/2 and 3/1 Kirumampakkam Village, but notice was issued by the second respondent contained only one survey number viz. S.No.2/2 in Kirumampakkam Village.

5.According to the petitioner, he has attended the survey enquiry and requested the surveyor to survey his lands in S.Nos. 2/1, 2/2 & 3/1 Kirumampakkam Village as his application was to survey all the aforesaid three survey numbers. On 11.11.2020, the petitioner attended the site inspection along with the relevant documents to participate in the survey. However, the surveyor was prevented by unknown persons and the surveyor has left without surveying the aforesaid lands.



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6.The petitioner submits that since several requests made by him in person seeking to survey the lands, the respondents have failed to survey the same for the reasons best known to them. Hence, the petitioner has approached this Court under Article 226 of the Constitution of India.

7.The learned Additional Government Pleader (Pondicherry), submits that the said application was considered once and they are willing to survey the lands as per the title documents to be produced by the petitioner within a time frame.

8.Heard the learned counsel for the petitioner and the learned Additional Government Pleader, Pondicherry for the respondents and perused the materials available on record.

9.On going through the averments, it is seen that earlier the petitioner was requested the surveyor to survey his lands in S.Nos.2/1, 2/2 and 3/1, Kirumampakkam Village along with the title document, but it has been prevented by unknown persons and the surveyor has left without surveying the lands.

10.In view of the above, this Court directs the petitioner to pay the necessary fee along with his application and approach the second respondent/surveyor within a period of two weeks from the date of receipt of a copy of this order. If any application is received within the said period, the second respondent/surveyor shall conduct survey after issuing notice to other persons who are the neighbours and adjacent landowners, within a period of eight weeks from the date of receipt of copy of his application.

11.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

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To

1.The Tahsildar,
Bahour Taluk,
Bahour,
Puducherry.

2.The Deputy Surveyor,
Bahour Taluk,
Bahour,
Puducherry.

+1CC to Mr.C.Anbu, Advocate, SR.No. 44312
+1CC to The Government Pleader, SR.No. 44650

W.P.No.18261 of 2021

GPL(CO)
B.VC (27/09/2021)