



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

WEB COPY

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. No. 19695 of 2021

J.Sarvanan

... Petitioner

-vs-

1. The Tahsildar,
Edapadi Taluk,
Edapadi, Salem District.

2. The Survey Inspector / Taluk Surveyor,
Office of Tahsildar,
Edapadi, Salem District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to survey the land comprised in Survey No.255/2, measuring an extent of 30 cents situated at Samuthiram Village, Edapadi Taluk, Salem District and to demarcate boundaries based on the representation of the petitioner dated 02.02.2021 within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.K.M.D Muhilan
Government Advocate.

O R D E R

This Writ Petition has been filed to direct the respondents to survey the land comprised in Survey No.255/2, measuring an extent of 30 cents situated at Samuthiram Village, Edapadi Taluk, Salem District and to demarcate boundaries based on the representation of the petitioner dated 02.02.2021 within a stipulated time.

2. The case of the petitioner is that the property comprised in Survey No.255/2, measuring an extent of 30 cents situated at Samuthiram Village, Edapadi Taluk, Salem District originally belongs to the father of the petitioner one Jeganathan. Due to love and affection, the father has gifted the said property



along with some other properties to the petitioner under registered settlement deed dated 23.07.2014 vide Document No. 2418 of 2014 on the file of the Sub Registrar Office, Jalakandapuram, followed by which, revenue records for the said property was also mutated in favour of the petitioner and new patta was issued in Patta No. 1911.

3. Subsequently, it is stated that the petitioner decided to develop his land for the betterment and taken steps to put up fencing for the subject property. Hence, the petitioner sent the detailed representation to the first respondent seeking for conducting the survey and demarcate the boundaries of the subject property on 02.02.2021 along with necessary documents. Though the application was made as early as on 02.02.2021, the respondents have not taken any action in spite of his repeated request in person and same was kept pending without any progress. Hence, he has sent yet another representation dated 14.08.2021 to the first respondent herein through the registered post and the same was duly received by the first respondent on 19.08.2021.

4. Further, it is stated that the petitioner made numerous requests to the Surveyor for surveying the land and demarcate the boundaries, but the Surveyor did not consider the petitioner's request. It is further stated that along with the application he has also paid necessary charges to the competent authorities and the payment challan was also enclosed along with application, despite which the official respondents have not taken any action to survey and hence, left with no alternate remedy, the petitioner has come before this Court with the aforesaid prayer.

5. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the first respondent to consider the petitioner's representation dated 14.08.2021 and dispose of the same within a stipulated time that may be framed by this Court.

6. Heard Mr.C.Prabakaran, learned counsel for the petitioner and Mr.K.M.D.Muhilan, learned Government Advocate appearing for the respondents.

7. Having regard to the limited scope of the prayer that is now sought for in this Writ Petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present Writ Petition, the Writ Petition is disposed of, with a



direction to the first respondent to consider the petitioner's representation dated 14.08.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of four months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Tahsildar,
Edapadi Taluk,
Edapadi, Salem District.
2. The Survey Inspector / Taluk Surveyor,
Office of Tahsildar,
Edapadi, Salem District.

+lcc to Mr.C.Prabakaran, Advocate, S.R.No.47273

+lcc to the Government Pleader, S.R.No.47532

W.P. No. 19695 of 2021.

KV(CO)
CB(12/11/2021)