



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.21340 of 2019

Ramalingam

... Petitioner

-Vs-

1.The Tahsildar,
Kallakurichi,
Villupuram District.

2.The Surveyor,
Kallakurichi,
Villupuram District.

... Respondents

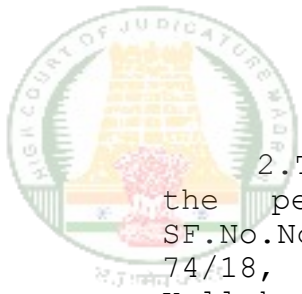
PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents to survey the property of the petitioner comprised in SF. No.68/8, 68/7, 68/4, 68/15, 68/6, 68/12, 68/15, 68/16, 74/18, 69/1, 69/2, 74/16 and 74/14 of Siruvangur Village, Kallakurichi Taluk, Villupuram District by considering the representation of the petitioner herein dated 05.07.2019 and fix boundaries within an appropriate time and pass orders accordingly.

For Petitioner :: Mr.R.Nalliyappan

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

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to survey the property of the petitioner comprised in SF. No.68/8, 68/7, 68/4, 68/15, 68/6, 68/12, 68/15, 68/16, 74/18, 69/1, 69/2, 74/16 and 74/14 of Siruvangur Village, Kallakurichi Taluk, Villupuram District by considering the representation of the petitioner herein dated 05.07.2019 and fix boundaries within an appropriate time and pass orders accordingly.



2. The learned counsel for the petitioner would submit that the petitioner had acquired the property comprised in SF.No.No.68/8, 68/7, 68/4, 68/15, 68/6, 68/12, 68/15, 68/16, 74/18, 69/1, 69/2, 74/16 and 74/14 of Siruvangur Village, Kallakurichi Taluk, Villupuram District by way of Partition dated 29.12.2019. After the partition, since the said property was not properly surveyed and not having proper boundary stones, frequent trouble are occurred by the Adjacent land owners. Hence, the petitioner has applied an application before the respondents after having paid necessary charges on 08.02.2019 to survey the said property and lay boundary stones for the property according to the documents. As no steps have been taken for the aforesaid application filed by the petitioner herein, the petitioner has made a representation dated 05.07.2019 before the 1st respondent requesting to survey the said property. Despite the petitioner has approached the respondents for several times, the respondents have not considered the petitioner's representation so far and no action has been taken by the respondents in this regard. Hence, the petitioner who has no other efficacious and alternative remedy except to approach this Court by invoking Article 226 of the Constitution of India, has filed the present Writ petition for issuance of Writ of Mandamus, to direct the respondents to take action on the representation made by him.

3. The learned Government Advocate would submit that after receiving the affidavit from the Government Pleader, the Tahsildar has asked Kallakurichi Firca Surveyor to survey the above mentioned survey numbers and demarcate the same in a proper manner. In pursuance of the above, while Kallakurichi Firca Surveyor had gone to measure the property, the petitioner cultivated sugarcane crop in the field of the property. In addition to that, no partition has been done so far between the petitioner and his brothers. Hence, objections have been raised by his brothers. Due to these reasons, measurement work could not be performed and seeks three months time for measuring the aforesaid property in Siruvangur. Accordingly, a Status Report filed by the 1st respondent has been submitted before this Court.

4. Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. In view of the submissions made by the learned Government Advocate, at first the petitioner is directed to establish his portion of the property, after having effected partition between his brothers and approach the respondents to survey his portion of the aforesaid property belonged to him. After establishing the portion of the petitioner in the property, for the purpose demarcation of his portion of the property, the respondents are



directed to survey the same having relevant documents within a period of four months from the date of receipt of copy of this order.

6. With the aforesaid directions, this Writ petition is allowed. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1.The Tahsildar,
Kallakurichi,
Villupuram District.

2.The Surveyor,
Kallakurichi,
Villupuram District.

+1cc to the Government Pleader Sr No.43664

W.P. No.21340 of 2019

SR II (CO)
PR (07/10/2021)