



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.21079 OF 2019

Dr.S.Ashok Kumar

... Petitioner

-Vs-

1. The Tahsildar,
Valapadi Taluk,
Valapady, Salem District.

2. The Surveyor,
Valapady,
Salem 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 which is subject matter of the Sale Deed in Document No.3435 of 1965 registered before the SRO, at Valapady by considering the representation of the petitioner dated 24.04.2019 and fix the boundaries within an appropriate time and pass orders accordingly.

For Petitioner :: Mr.Nalliyappan.R.

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 which is subject matter of the Sale Deed in Document No.3435 of 1965 registered before the SRO, at Valapady by considering the representation of the petitioner dated



24.04.2019 and fix the boundaries within an appropriate time and pass orders accordingly.

2. The learned counsel for the petitioner would submit that the petitioner herein is residing at No.34, VA.Vu. C. Street, Belur, Valapady Taluk, Salem District. The father of the petitioner namely, Mr.Swaminathan, had purchased a property back side to the said house on 24.10.1965 by virtue of Sale Deed in Document No.3435 of 1965 registered before the Sub-Registrar Office at Valapady. The said property consists of $7\frac{3}{4}$ feet length on southern and northern side and 51 feet extent on the western and eastern side. Since the above said property is not surveyed for long time and not having specific survey boundary mark for the said property, the adjacent land owners are frequently troubling the petitioner and hence the petitioner has made a representation dated 27.03.2019 before the respondents in order to measure the property after having paid the necessary charges required for the aforesaid task to the respondents. Further, despite the petitioner had visited several times in person before the respondents requesting to measure the property by considering his representation, the respondents have not considered the said representation and taken any steps to measure the property so far. Under such circumstances, without having any alternative and efficacious remedy, the petitioner has filed the present Writ petition by invoking Article 226 of Constitution of India.

3. The learned Government Advocate would submit that since the property has been registered by virtue of Sale Deed in Document No.3435 of 1965 on the file of the SRO, Valapady, and there is dispute with the adjacent land owners with regard to boundaries, it is necessary to measure the property of the petitioner and lay the survey stone as per the valid document being with him.

4. Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on record.

5. In view of the aforesaid submissions made by the learned Government Advocate, the respondents are directed to consider the representation dated 24.04.2019 made by the petitioner and pass appropriate orders after affording sufficient opportunity to the petitioner within a period of four months from the date of receipt of copy of this order.



6. With the aforesaid direction, the Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Lbm

To

1. The Tahsildar,
Valapadi Taluk,
Valapady, Salem District.
2. The Surveyor,
Valapady, Salem District.

+1cc to the Government Pleader, S.R.No.43662

W.P.NO.21079 OF 2019

SV-I (CO)
PBS/28/09/2021