

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.23199 of 2019
and W.M.P.No.21506 of 2021

(Through Video Conference)

1. S.Jayaprakash

2. S.Rani

.. Petitioners

Versus

The Tahsildar,
Gangavalli Taluk,
Salem District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to survey the land comprising in S.No.456/1 measuring acres 2.97 cents, S.No.456/2 and S.No.457/2 measuring 2 acres situated at Veeraganun (South) Village, Veeraganur Post, Gangavalli Taluk, Salem District based on the petitioner's application dated 15.05.2019.

For Petitioners : Mr.M.Rajendran
For Mr.T.Saravanan

For Respondent : Mr.V.Veluchamy,
Government Advocate

ORDER

This petition has been filed for a Writ of Mandamus to direct the respondent to survey the land comprising in S.No.456/1 measuring areas 2.97 cents, S.No.456/2 and S.No.457/2 measuring 2 acres situated at Veeraganun (South) Village,

Veeraganur Post, Gangavalli Taluk (now bifurcated as Thalaivasaal Taluk) Salem District, based on the petitioner's application dated 15.05.2019.

2. The petitioners, after filing this writ petition, filed an amendment petition seeking for a direction to the respondent to survey the land comprised in S.Nos.456/2, 449/1 and 457/2 instead of the land comprised in S.Nos.456/1, 456/2 & 457/2. Being satisfied with the reasons stated in affidavit filed in support of the amendment petition, W.M.P.No.21506 of 2021 stands ordered.

3. The case of the petitioners is that the first petitioner jointly purchased 3 acres of land along with his father's brother, comprising in S.No.456/1 measuring areas 2.97 cents situated at Veeraganun (South) Village, Veeraganur Post, Gangavalli Taluk (now bifurcated as Thalaivasaal Taluk) Salem District vide Doc.No.819/2012 dated 22.03.2012, on the file of the SRO, Gangavalli. The petitioner's mother namely S.Rani/ second petitioner herein, jointly bought the property with the first petitioner's father's brother comprising in S.No.457/2 measuring 2 acres situated at Veeraganun (South) Village, Veeraganur Post, Gangavalli Taluk (now bifurcated as Thalaivasaal Taluk) Salem District vide doc.No.2192/2006 dated 17.11.2006 on the file of DRO Gangavalli.

4. The petitioners paid fees by way of challan on 15.04.2019 to survey the said property. The total extent of acres 2.97 cents and 2 acres have to be surveyed by fixing boundary stone. In order to avoid unnecessary problem with others with respect to the boundary, the first petitioner paid the requisite charges in the Treasury and seeks for directing the Surveyor to survey the land in receipt of the representation, dated 15.05.2019, by fixing the boundary line. The learned counsel for the petitioners submit that the Authorities have not considered the petitioner's representation and it is pending from the year 2019 onwards. He also submits that S.No.449/1 is the pathway, which has also been encroached upon by third parties. Hence, the same also to be considered and measured.

5. Without expressing any opinion on the merits of the case, this Court directs the respondent to consider the

petitioners' prayer after perusal of the records and by issuing notice to the said person, who is alleged to have encroached upon S.No.449/1 and only after affording an opportunity of hearing to all the persons concerned in the vicinity, the Surveyor shall survey the land and fix boundary stones and then the respondent shall pass appropriate orders within a period of four(04) months from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands Disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

The Tahsildar,
Gangavalli Taluk,
Salem District.

W.P.No.23199 of 2019

GSM(CO)
SB(02/11/2021)