



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.5234 of 2021

P.Sundararaj

.. Petitioner

Vs.

1.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

2.The Head Surveyor,
Taluk Office,
Melur, Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to survey and demarcate the four boundaries of the petitioner's property comprised in Re-survey No.72/6-A measuring an extent of 1 Acres 5 cents situated at Mukkampatti, Thmaraipatti Village, Melur Taluk, Madurai District by considering the petitioner's application dated 07.02.2020, within the time stipulated by this Court.

For Petitioner

: Mr.R.Ganesan

For Respondents

: Mr.P.Mahendran,

Additional Government Pleader.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to act upon the application submitted by the petitioner on 07.02.2020, wherein the petitioner has sought for the survey of the subject property and for fixing the boundaries.

2. The case of the petitioner is that his brother is the owner of the subject property, by virtue of a registered sale deed dated 13.08.2008. Since the brother of the petitioner is settled abroad, a power of attorney was issued in favour of the petitioner on 11.06.2013. The said document authorised the petitioner to manage the subject property.

3. The petitioner made an application before the respondents on 07.02.2020, seeking for survey of the subject property and to mark the boundaries. Since the same was not considered, the present Writ Petition has been filed before this Court for appropriate directions.

4. Heard Mr.R.Ganesan, learned counsel appearing on behalf of the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there



shall be a direction to the respondents, to act upon the application submitted by the petitioner on 07.02.2020, in accordance with law and take a decision with regard to the survey of the subject property, within a period of four (4) weeks from the date of receipt of a copy of this order. If there are any other interested parties, who must be heard before the survey is conducted, notice shall also be sent to them before undertaking the survey.

6. The petitioner is directed to make a fresh representation to the respondents along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

In view of the present lock down owing to COVID-19
Note : pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Tahsildar,
Melur Taluk,
Melur,
Madurai District.

2.The Head Surveyor,
Taluk Office,
Melur, Madurai District.

+1 CC to M/s.R.GANESHAN, Advocate (SR-16873[F] dated 21/04/2021)

+1 CC to M/s.SPL GP (SR-16915[F] dated 21/04/2021)

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