



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7922 of 2021

Kartheesan

...Petitioner

Vs.

1. The Tahsildar,
Eral Taluk Office, Eral, Thoothukudi District.

2. The Taluk Surveyor,
Eral Taluk Office, Eral, Thoothukudi District.

3. The Inspector of Police,
Eral Police Station,
Eral, Thoothukudi District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to take necessary action for survey, measurement and fixing the four boundaries of the petitioner's above said property comprised in S.No.52/1B2A and Survey No.52/1B2C, situated at Kottarakurichi Village, Eral Taluk, Thoothukudi District, by considering the petitioner's application dated 09.02.2021, within the time stipulated by this Court.

For Petitioner
For R-1 to R-4

: Mr.S.Mandhiralingeswaran
: Mr.M.Rajarajan
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to act upon the application submitted by the petitioner on 09.02.2021, 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 father was the absolute owner of the subject property. He died in the year 2004 and thereafter, the petitioner has succeeded to the property. The further case of the petitioner is that patta was also issued in the name of his father in Patta Nos.231 and 232.

3. The petitioner noticed that certain third parties were



trying to illegally encroach upon the property. Therefore, the petitioner submitted an application before the respondents on 09.02.2021 seeking for the survey of the property and for fixing the boundaries. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.S.Mandhiralingeswaran, learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing for 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 first respondent to consider the application submitted by the petitioner on 09.02.2021 and take a decision with regard to the survey of the subject property, strictly in accordance with law, 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 claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

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

7. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

In view of the present lock down owing to COVID-19 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.

1. The Tahsildar,
Eral Taluk Office, Eral, Thoothukudi District.

2. The Taluk Surveyor,
Eral Taluk Office, Eral, Thoothukudi District.

3. The Inspector of Police,
Eral Police Station,

<https://hcservices.ecourts.gov.in/hcservices/>



Eral, Thoothukudi District.

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-16067[F] dated 16/04/2021)

+1 CC to M/s.SPL GP (SR-16332[F] dated 17/04/2021)

WEB COPY

Order made in
W.P. (MD) .No.7922 of 2021

Dated:

16.04.2021

GS (28.04.2021) 3P 6C