



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8105 of 2021

L.Mohanraj

...Petitioner

Vs.

1. The Tahsildar,
Palani Taluk, Dindigul District.

2. The Head Taluk Surveyor,
Palani Taluk,
Dindigul District.

3. The Tahsildar,
Gujilayamparai, Dindigul District.

... Respondents

** R3 suo moto added by this Court vide order dated 19.04.2021*

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to conduct survey, measure and fix boundaries of petitioner's property comprised in Survey No.1483/2, measuring 12.93 cents, situated at Palayam Village, Gujilayamparai, Dindigul District, within a reasonable time.

For Petitioner

: Mr.V.M.Jegadeesha Pandian

For Respondents

: Mr.M.Muniasamy

Additional Government Pleader

ORDER

The Tahsildar, Gujilayamparai, Dindigul District, is suo moto added as the third respondent in this writ petition.

2. This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to survey and fix the boundaries with respect to the subject property, by considering the representation made by the petitioner on 23.01.2021 and also the payment made for the survey on 22.01.2021.

3. The case of the petitioner is that he purchased the subject property along with two others by virtue of a registered sale deed dated 08.12.2020. Thereafter, the petitioner and the other joint purchasers entered into a partition and a partition deed was executed on 23.12.2020 and the same was also presented for registration before the concerned Registration Office.

4. The petitioner made a representation before the respondents on 23.01.2021 to conduct a survey in the property and fix the boundaries in accordance with the partition entered into



between the parties. The petitioner also paid the necessary charges for conducting the survey on 22.01.2021. The further case of the petitioner is that, the first respondent had also sent a notice in this regard. Since the same did not evoke any response, the present writ petition has been filed seeking for appropriate directions.

WEB COPY 5. Heard Mr.V.M.Jegadeesha Pandian, learned counsel appearing on behalf of the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing on behalf of the respondents

6. 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 impleaded third respondent to act upon the representation made by the petitioner on 23.01.2021 and take a decision regarding the survey of the subject property. The survey shall be conducted in the presence of the other joint owners of the property, in line with the documents relied upon by the parties. This process shall be completed within a period of six (06) weeks from the date of receipt of a copy of this order.

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

8. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (Records)

// 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.

To

1. The Tahsildar, Palani Taluk, Dindigul District.
2. The Head Taluk Surveyor, Palani Taluk, Dindigul District.
3. The Tahsildar, Gujilayamparai, Dindigul District.

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MA (CO)

KB(12.05.2021) 2P 4C