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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8328 of 2021

V.Selvaraj ...Petitioner

Vs.

1.The Tahsildar,
Thoothukudi Taluk, Tuticorin District.

2.The Head Surveyor,
Thoothukudi Taluk,
Tuticorin District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey the land bearing Survey No.1521/2A1 with an extent of 56 cents in Patta No.2900 and the same survey number in the northern side 19 cents at Meelavittan Village, Thoothukudi Taluk, Thoothukudi District on considering the Petitioner's representation dated 08.03.2021 and issue challan to the Petitioner for payment of survey fees.

For Petitioner : Mr.R.Jegadeeswaran
For Respondents : Mr.S.Angappan
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents to consider the representation made by the Petitioner on 8.3.2021, wherein, the Petitioner has sought for the survey of the sub-divided property.

2.The case of the Petitioner is that the sub-divided property was originally owned by his grand-father who had purchased the property by way of registered sale deed, dated 26.11.2019. Further case of the Petitioner is that the property was ultimately inherited by the Petitioner and he is in possession and enjoyment of the same. The Petitioner has also executed a 'Will' in favour of his son and daughter in the year 2016.

3.It is stated that the Petitioner now wants to settle the property by way of demarcating the lands in order to avoid any future confusion. The Petitioner, therefore, made an application/representation on 8.3.2021 before the respondents after paying the necessary charges and sought for survey of the subject property and for demarcation. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

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4.Heard Mr.R.Jegadeeswaran, learned counsel appearing for the petitioner and Mr.S.Angappan, learned Government Advocate 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 consider the representation/application made by the petitioner on 08.03.2021 and take a decision with regard to the survey of the subject property within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS-II)

//True copy//

/ /2021
Sub Assistant Registrar

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,
Thoothukudi Taluk,
Tuticorin District.

2.The Head Surveyor,
Thoothukudi Taluk,
Tuticorin District.

+1CC to Mr.R.JEGADEESWARAN, Advocate (SR-17264[F] dated 23/04/2021)

+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-17362[F] dated 23/04/2021)

Order made in
W.P.(MD).No.8328 of 2021
22.04.2021

VSN
SRS/24.05.2021/2P/5C

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