



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
W.P. (MD) .No.10966 of 2021

M.Sundarapandian

...Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Madurai South Taluk,
Collectorate Campus, Madurai-625 020.

2. The Inspector of Survey,
Department of Land Survey,
Collectorate Campus, Madurai-625 020.

3. P.Muthulakshmi

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to carry out appropriate survey and demarcate the boundaries of the petitioner's land comprised in Survey No.63/1 of an extent of 362 ½ sq.ft., Situated at Chinthamani Village, Madurai South Taluk, Madurai City, based on the petitioner's registered sale deed dated 16.12.2020, under document No.9788/2020, executed by the third respondent herein, within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.A.Saravanan

For R-1 & R-2 : Mr.M.Lingadurai,
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 and 2 to consider the application submitted by the petitioner on 29.06.2021, wherein, the petitioner has sought for survey of the subject property and for demarcation of the boundaries.



2. The case of the petitioner is that he is the owner of the subject property, by virtue of a registered sale deed, dated 16.12.2020. The petitioner wanted to conduct a survey in the subject property and to demarcate and fix the boundaries. An application was submitted before the first and second respondents. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. The learned counsel appearing for the petitioner submitted that the property was sold by the third respondent and inspite of the sale, the third respondent had proceeded further to fence the entire property including the property belonging to the petitioner.

4. Heard Mr.A.Saravanan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing on behalf of the respondents 1 and 2.

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 and second respondents to consider the representation / application made by the petitioner on 29.06.2021 and take a decision with regard to the survey of the subject property after affording opportunity to the petitioner and the third respondent. The survey shall be conducted strictly based on the title documents of the parties. This process shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the first and second 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-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Taluk Office,
Madurai South Taluk,
Collectorate Campus,
Madurai-625 020.
2. The Inspector of Survey,
Department of Land Survey,
Collectorate Campus,
Madurai-625 020.

+4 CC to M/s.A.SARAVANAN, Advocate (SR-20936[F] dated 02/07/2021)

+1 CC to M/s.SPL GP (SR-21201[F] dated 05/07/2021)

Order made in
W.P. (MD) .No.10966 of 2021

Dated:

02.07.2021

CN(09.07.2021) 3P 8C