



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.14711 of 2021

R.Mohamed Kassali

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tenkasi District.

2.The Commissioner (Municipality),
Tenkasi Municipality,
Tenkasi District.

3.The Revenue Divisional Officer,
Tenkasi Division,
Tenkasi.

4.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

5.The Town Sub Inspector (Survey),
Tenkasi Municipality,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.2 and 5 to conduct survey the nanjai land relating to 99 cents at Survey No.631 in B Block, 26 town survey 87 Hec. 0.39.15, Tenkasi Taluk, Tenkasi District on the basis of the petitioner's representation submitted to the respondent No.2 dated 08.07.2021 and 16.07.2021 in accordance with law within the time stipulated by this Court.

For Petitioner	:	Mr.R.Alagumani
For Respondents	:	Mr.R.Baskaran
		Counsel for State

ORDER

The petitioner seeks a survey of the nanjai land ad-measuring 99 cents at Survey No.631 in 'B' Block, Town Survey No.26, Tenkasi Taluk, Tenkasi District, on the basis of the representations



submitted in such connection.

2. The petitioner traces title to the property described above through a sale deed dated 12.02.2018. A copy of such registered sale deed bearing Document No.565/18 has been enclosed. The petitioner states that a civil suit in O.S.No.78/18 was filed by the predecessors in title and that such suit is likely to be settled amicably.

3. Since the petitioner intended to carry out a survey and mark the boundaries of the property, a representation was submitted to the second and fifth respondents in such regard and on account of the failure of such respondents to initiate action, the present writ petition is filed.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's representation for survey may be considered and disposed of on merits.

5. The documents on record include the registered sale deed dated 12.02.2018 in favour of the petitioner. The FMB sketch in relation thereto has also been filed. There appears to be a dispute between the petitioner and two persons called Mr.Ashraf and Mr.Pakeer Maideen. Therefore, such persons would have to be put on notice before a decision is taken with regard to the survey.

6. Subject to the above observations but without going into the merits of the matter, the fourth and fifth respondents herein are directed to consider the petitioner's representation dated 23.07.2021 and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, Mr.Ashraf, Mr.Pakeer Maideen and the owners of the adjoining properties who may be affected by the conduct of such survey.

7. Accordingly, W.P.(MD).No.14711 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// 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.

WEB COPY

To

- 1.The District Collector,
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Tenkasi.
- 4.The Tahsildar,
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Tenkasi District.
- 5.The Town Sub Inspector (Survey),
Tenkasi Municipality,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-26895[F] dated
23/08/2021)

W.P (MD) No.14711 of 2021
19.08.2021

PS (CO)
KB (27.08.2021) 3P 7C