



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD) No.13368 of 2021

WEB COPY
P.Thanaraj

... Petitioner

Vs.

1. The Tahsildar,
Eral Taluk,
Thoothukudi District.

2. The Taluk Sub Inspector of Survey,
Eral Tahsildar Office,
Eral, Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's Representation dated 16.02.2021 to perform the survey demarcation in the petitioner's land extent of 12 cents in the light of the "Will" deed Document No.23/BK3 dated 31.08.1994 executed by the petitioner's father in favour of the petitioner in Patta No.1837 in S.F.No.6/4B3 extent of 11.00 Ares of Korkai Village, Eral Taluk, Thoothukudi District.

For Petitioner	:	M/s. M.Laxmi Mahendraa
For Respondents	:	Mr.R.Baskaran Counsel for State

O R D E R

The petitioner seeks a survey of the land bearing S.F.No.6/4B3 admeasuring an extent of 11 Ares at Korkai Village, Eral Taluk, Thoothukudi District.

2. The petitioner asserts that the aforesaid property originally belonged to his father, Paul Nadar, who purchased the same by a sale deed dated 18.03.1965. The petitioner states that his father executed a Will dated 31.08.1994 whereby the property was bequeathed in favour of the petitioner and his brother. The petitioner further states that a joint patta was issued in favour of the petitioner and his brother in respect of the aforesaid property.

3. In order to carry out a survey and mark the boundaries of his property, the petitioner submitted an application to the first respondent on 16.02.2021 by remitting the requisite fees.



In spite of the passage of considerable time, the first respondent has failed to act on the petitioner's representation. The present writ petition is filed in the said facts and circumstances.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents and states that the respondents may be directed to carry out the survey within a period of reasonable time frame.

5. Accordingly, without going into the merits of the matter, the respondents herein are directed to carry out a survey of the land bearing S.F.No.6/4B3, so as to demarcate and fix the boundaries in respect of the petitioner's share therein. Such exercise shall be carried out after putting all affected parties on notice and concluded within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.13368 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// 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,
Eral Taluk,
Thoothukudi District.

2. The Taluk Sub Inspector of Survey,
Eral Tahsildar Office,
Eral, Thoothukudi District.

+1 CC to M/s.M.LAXMI MAHENDRAA, Advocate (SR-25253[F] dated 04/08/2021)
+1 CC to M/s.GP (SR-25353[F] dated 05/08/2021)

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