



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13624 of 2021

Selvandi

... Petitioner

versus

1.The Tahsildar,
Bodinaikanur Taluk,
Theni District.

2.The Firka Surveyor,
Bodinaickanur Taluk,
Theni District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents herein to conduct survey, measurement and fix boundaries of petitioner's patta lands vide patta No.2416 comprised in Survey Nos.427/2A and 446/3B situated in Koolayanur Village, Bodinaickanur Taluk, Theni District, covered by registered sale deed dated 04.03.2011 vide Doc.No.1090 of 2011.

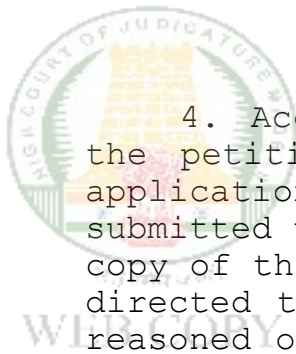
For Petitioner : Mr.H.Thayumanaswamy
For Respondents : Mr.P.Subbaraj,
Counsel for the State

ORDER

The petitioner seeks a direction to the respondents to conduct a survey and fix the boundaries of the petitioner's patta lands in Survey Nos.427/2A and 446/3B at Koolayanur Village, Bodinaickanur Taluk, Theni District.

2. The petitioner states that he purchased the aforesaid property under a registered sale deed dated 04.03.2011 by document No.1090 of 2011. It is also stated that he obtained a mutation of patta in his name under patta No.2416. Upon submitting an application for the conduct of a survey, he states that the first respondent issued summons on 04.11.2020 to the petitioner and his neighbour fixing the survey on 12.11.2020, but that it was not proceeded with thereafter. The petitioner also refers to the remittance of charges in this regard on 21.01.2021.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that if the petitioner submits an application for survey, the same would be duly considered.



4. Accordingly, without going into the merits of the matter, the petitioner is permitted to submit a fresh representation or application for the conduct of survey. Such application shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the respondents herein are directed to consider such application and dispose of the same by a reasoned order. In the event the respondents deem it appropriate to conduct a survey, such survey shall be completed within a period of three months from the date of receipt of a copy of this order, after putting all affected parties on notice and considering their objections.

5. W.P.(MD).No.13624 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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,
Bodinaikanur Taluk,
Theni District.

2.The Firka Surveyor,
Bodinaickanur Taluk,
Theni District.

+1 CC to M/s.H.THAYUMANASWAMY, Advocate (SR-25714[F] dated 09/08/2021)

+1 CC to M/s.SPL GP (SR-25620[F] dated 09/08/2021)

W.P (MD) No.13624 of 2021
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