



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14241 of 2021

K.Alagesan

... Petitioner

versus

1.The Thasildar,
Periyakulam Taluk,
Theni District.

2.The Taluk Surveyor,
Periyakulam 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 to survey and mark the boundaries of the property in Survey No.1164/2 and 1165/1 of Vadaveeranayakan patti Village, Theni District admeasuring 74 cents within a time frame that may be fixed by this Court by considering the application of the petitioner dated 28.06.2021.

For Petitioner : Mr.S.C.Herold Singh

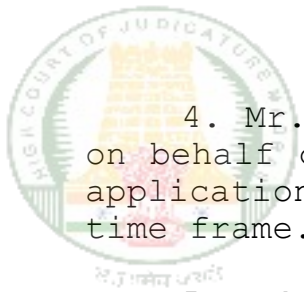
For Respondents : Mr.R.Baskaran
Counsel for State

O R D E R

The petitioner seeks a survey of his property in Survey No.1164/2 and 1165/1 of Vadaveeranayakan patti Village, Theni District.

2. The petitioner traces title to the property to a Thana Settlement executed by his father in favour of his sisters on 20.09.2019. Pursuant thereto, it is stated that the petitioner's sisters executed a sale deed in favour of the petitioner in respect of the property in question. The petitioner also refers to the patta in the name of his father, Karmegam. A copy of such patta has been filed along with the writ petition.

3. On account of the non-fixation of the boundaries of the property, it is stated that the petitioner is unable to construct a compound wall. Consequently, cattle are damaging his property. In such circumstances, he submitted an application dated 28.06.2021 for the conduct of survey and for marking the boundaries of his property. However, till date the respondents have not taken any effective steps in such regard. The present writ petition is filed in these facts and circumstances.



4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's application may be directed to be disposed of within a reasonable time frame.

5. The documents on record disclose *prima facie* that the petitioner has an interest in the property. A copy of the patta in the name of the petitioner's father has also been enclosed. Therefore, the respondents may be directed to consider the petitioner's application and dispose of the same expeditiously.

6. Accordingly, without going into the merits of the matter, the respondents herein are directed to consider the petitioner's application dated 28.06.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the owners of adjacent properties who may be affected by such survey and any other person with an interest in the property. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD).No.14241 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Crl)

// 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 Thasildar,
Periyakulam Taluk,Theni District.

2.The Taluk Surveyor,
Periyakulam Taluk,Theni District.

+1 CC to M/s.GP (SR-26365[F] dated 16/08/2021)

+1 CC to M/s.S.C.HELOD SINGH, Advocate (SR-26445[F]dated 16/08/2021)

W.P (MD)No.14241 of 2021

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