



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P. (MD).No.14188 of 2021**

K.Joseph Mohan

... Petitioner

Vs.

1.The Thasildar,  
Ottapidaram Taluk,  
Tuticorin District.

2.The Taluk Surveyor,  
Taluk Office,  
Ottapidaram Taluk,  
Tuticorin District.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents to survey the petitioner's land comprised in Survey No.56/14, Puthupatchri Village, Ottapidaram Taluk, Tuticorin District to an extent of 13 cent in vide Gift Deed in Document No.30 of 2017, dated 10.01.2017 and fix the boundary on the basis of petitioner representation, dated 11.01.2021.

For Petitioner : Mr.K.Seemaraj

For Respondents : Mr.P.Subbaraj  
Counsel for State

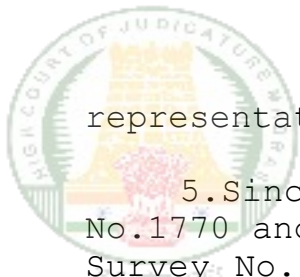
**ORDER**

The petitioner seeks a survey of the land, comprised in survey No.56/14, Puthupatchri Village, Ottapidaram Taluk, Tuticorin District.

2.The petitioner states that such land was gifted to him under registered gift deed bearing Document No.30/17. He also states that a joint patta was issued to him under patta No.1770, which reflects that the land is a punja land.

3.In order to fence the property, the petitioner intends to fix the boundaries thereof. For such reason, he applied for survey of the land on 04.10.2017 by remitting the requisite fee. Because the respondents did not take necessary steps in such connection, he submitted a representation on 11.01.2020. In view of the failure to take any action pursuant to such representation, the present Writ Petition is filed.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both respondents. He submits that the petitioner's



representation may be considered and disposed of on merits.

5.Since the petitioner has enclosed the patta bearing Patta No.1770 and containing his name as the owner of the property bearing Survey No.56/14, the petitioner is in a position to at least *prima facie* establish that he has interest in the land sought to be surveyed. Nonetheless, the respondents herein would have to ascertain if there are any rival claimants.

6.Accordingly, without going into the merits of the matter, the respondents herein are directed to consider the petitioner's representation dated 11.01.2021 for survey of the land bearing Survey No.56/14 and dispose of such representation within a period of two (2) months from the date of receipt of a copy of this order. Before passing orders, the respondents are directed to provide a reasonable opportunity to the petitioner and any other person, including owners of adjacent lands, who could be affected by such survey and boundary fixation.

7.W.P.(MD).No.14188 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

To

1.The Thasildar,  
Ottapidaram Taluk,  
Tuticorin District.

2.The Taluk Surveyor,  
Taluk Office,  
Ottapidaram Taluk,  
Tuticorin District.

+1 CC to M/s.K.SEEMARAJ, Advocate ( SR-26218[F] dated 13/08/2021 )

+1 CC to M/s.GP ( SR-26374[F] dated 16/08/2021 )

W.P.(MD).No.14188 of 2021  
13.08.2021

RD(25.08.2021) 2P 5C