



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14213 of 2021

M.Sekar

... Petitioner

Vs.

1.The District Collector,
Thanjavur.

2.The Thasildar,
Taluk Office,
Orathanadu,
Thanjavur District.

3.The Taluk Surveyor,
Orathanadu Taluk,
Thanjavur 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 2 & 3 to comply the request of the petitioner made in petition, dated 25.08.2020 to survey the land within stipulated time.

For Petitioner

: Mr.S.Jayachandran

For Respondents

: Mr.R.Baskaran

Counsel for State

ORDER

The petitioner seeks a survey of the land in R.S.Nos.262/11A, 262/12, 262/15 and 263/8 at Palakandar Kudikadu Village, Poyyundarkottai Revenue, Orathanadu Taluk, Thanjavur District.

2. The petitioner states that the aforesaid properties belonged to his mother, who, in turn, derived title under registered partition deed bearing Document No.1954 of 2015. The settlement in favour of the petitioner was made under registered settlement deed dated 18.08.2016, bearing Document No.1383 of 2016. The petitioner also relies upon the mutated patta in his favour and has enclosed the patta transfer order dated 14.09.2019.

3. On account of the fact that the petitioner intended to get the properties surveyed so as to mark the boundaries thereof, he submitted an application on 25.08.2020 to the second and third respondents. In view of the failure of such respondents to take action thereon, the present Writ Petition is filed.



4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents and submits that the second and third respondents may be directed to consider the petitioner's application and dispose of the same on merits.

5. The documents on record, namely, the settlement deed and the patta transfer order, *prima facie* indicate that the petitioner has an interest in the properties in question. Therefore, there should be no impediment for the second and third respondents to consider such application in accordance with law.

6. Accordingly, the second and third respondents herein are directed to consider the petitioner's application dated 25.08.2020 for conduct of a survey of his lands. Such application shall be considered and disposed of 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 and any other person, such as the owners of adjacent lands who could be affected by such survey.

7. W.P.(MD) .No.14213 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CRL)

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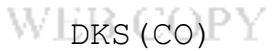
Sub Assistant Registrar (CS)

tsg

To

- 1.The District Collector, Thanjavur.
- 2.The Thasildar,
Taluk Office,
Orathanadu, Thanjavur District.
- 3.The Taluk Surveyor,
Orathanadu Taluk,
Thanjavur District.

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.



KB (24.08.2021) 3P 6C