



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.14368 of 2021

WEB COPY

Periyasamy

... Petitioner

Vs.

1.The Tahsildar,
Ottapidaram Taluk Office,
Ottapidaram,
Thoothukudi District.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to survey in respect of the petitioner's property comprised in Survey No.318/2, situated at North Kalmedu Village, Ottapidaram Taluk, Thoothukudi District on the basis of the petitioner's application dated 08.06.2021 within the time stipulated by this Hon'ble Court.

For Petitioner	:	Mr.C.Jeganathan
For R1 & R2	:	Mr.R.Baskaran
		Counsel for State.

ORDER

The petitioner seeks a survey of his property in Survey No.318/2 at North Kalmedu Village, Ottapidaram Taluk, Thoothukudi District.

2. The petitioner traces title to the said property to one Rathinasamy Nadar. It is asserted that the said Rathinasamy Nadar executed a sale deed in favour of the petitioner's father on 11.09.1990. Subsequently, it is stated that the property was bequeathed by the petitioner's father to the petitioner and his brother. A joint patta in favour of 46 persons, including the petitioner and his brother Rengasamy is cited in support of the petition.

3. The petitioner states that he wants to carry out a survey of the property and fix the boundaries thereof so as to protect his property from illegal encroachments. The application was



submitted in such regard on 08.06.2021 and the present Writ Petition is filed in view of the non consideration of such application.

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

5. The petitioner has enclosed the Will executed by his father, in terms of which the property in question has been bequeathed to the petitioner and his brother. A joint patta bearing Patta No.1276 is also enclosed and this document reflects the names of 46 persons including the petitioner and his brother, Rengasamy. Consequently, it would be necessary to put the petitioner's brother Rengasamy on notice as also the owners of adjoining properties whose boundaries may be impacted by the Survey and boundary fixation at the instance of the petitioner.

6. Accordingly, without going into the merits of the matter, the respondents herein are directed to consider the petitioner's request for survey by application dated 08.06.2021 and dispose of the same by a reasoned order after putting the petitioner's brother and any other person who would be affected by such survey on notice. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

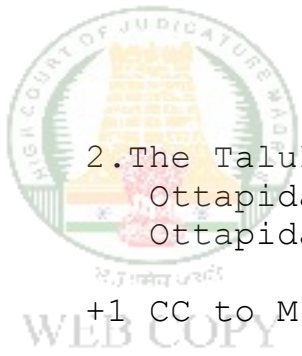
tsg

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,
Ottapidaram Taluk Office,
Ottapidaram,
Thoothukudi District.

<https://hcservices.ecourts.gov.in/Hcservices/>



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

+1 CC to M/s.SPL GP (SR-26518[F] dated 17/08/2021)

W.P (MD) No.14368 of 2021
16.08.2021

SB(25.08.2021) 3P 4C