



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14533 of 2021

Kavitha

... Petitioner

Vs.

1. The Tahsildar,
Office of the Revenue Tahisildar,
Thuraiyur Revenue Taluk,
Trichy District.

2. The Taluk Surveyor,
Office of the Taluk Surveyor,
Land Survey Department,
Thuraiyur,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to conduct the survey, measuring the property and also to fix boundary stones in respect of the petitioner above said property on the basis of the petitioner application dated 18.11.2020 within the time stipulated by this Court.

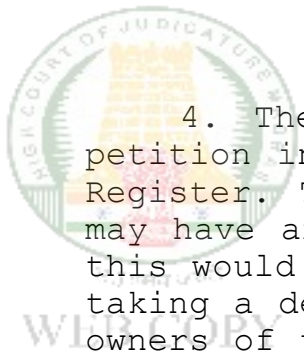
For Petitioner : Mr.B.Jameel Arasu
For Respondents : Mr.R.Baskaran
: Counsel for State

O R D E R

The petitioner seeks a survey of the land in T.S.No.67 Ward A, Block 5, Thuraiyur, Trichy District. The petitioner traces title to the said land through two sale deeds executed on 01.06.2011 and 10.07.2017. A copy of the Town Survey Land Register in favour of the petitioner's vendor is also cited to establish title and possession.

2. The petitioner states that she intends to survey the land and fix boundary stones thereon so as to protect the land from encroachment. In spite of submitting an application in this connection on 18.11.2020, it is stated that no action has been taken thereon.

3. 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 considered and disposed of on merits.



4. The documents filed by the petitioner in support of the petition include the sale deeds and a copy of the Town Survey Land Register. These documents *prima facie* indicate that the petitioner may have an interest in the property in question. Needless to say, this would have to be examined more closely by the Thasildar before taking a decision on the petitioner's application. In addition, the owners of the adjoining properties whose boundaries may be impacted by such survey and boundary fixation would have to be put on notice.

5. Subject to the above observations but without going into the merits of the matter, the respondents herein are directed to consider the petitioner's application dated 18.11.2020 and pass a reasoned order thereon within a period of three months from the date of receipt of a copy of this order. Such reasoned order shall be passed after providing a reasonable opportunity to the petitioner and the owners of adjoining properties who may be affected by the conduct of the survey.

6. W.P.(MD).No.14533 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)

sbm

To

1. The Tahsildar,
Office of the Revenue Tahisildar,
Thuraiyur Revenue Taluk,
Trichy District.

2. The Taluk Surveyor,
Office of the Taluk Surveyor,
Land Survey Department,
Thuraiyur,
Trichy.

+1 CC to M/s.SPL GP (SR-26783[F] dated 19/08/2021)

W.P. (MD) No.14533 of 2021
17.08.2021

GC(27.08.2021)/2P/4C