



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15162 of 2021

Ramachandran

... Petitioner

Vs.

1.The Tahsildar,
Aundipatti Taluk, Theni District.

2.The Firka Surveyor,
Aundipatti Taluk,
Theni 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 to survey the petitioner's land and place the survey stones comprised in Survey No.273/8B out of 0.21.0 ares (.52 cents) in which western side 3rd Plot on Eastern side of the property to an extent of 2835 Square Feet 263.38 Square meter situated at Sanmugasundarapuram Village, Aundipatti Sub Registration District, Periyakulam Registration District, Theni District based on the petitioner's representation dated 19.07.2021 within a time frame as fixed by this Court.

For Petitioner : Mr.P.Sivachandran
For R-1 & R-2 : Mr.R.Baskaran
Counsel for State

ORDER

The petitioner seeks a survey of the land bearing Survey No.273/8B of an extent of 0.21.0 ares at Sanmugasundarapuram Village, Aundipatti Sub Registration District, Periyakulam Registration District, Theni District

2. The petitioner claims title to the aforesaid property under a registered sale deed bearing Document No.583/2020. He states that he is in possession and enjoyment of the property and cites Patta No.5644, which was issued to him. In view of the fact that he intends to survey the property and fix the boundary stones, he states that a representation dated 19.07.2021 was carried to the respondents herein. In view of the failure of such respondents to take action thereon, the present Writ Petition is filed.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's application for survey may be directed to be considered and disposed of on merits.



4. The documents on record include the sale deed dated 22.12.2010 in favour of the petitioner's vendor, the sale deed dated 21.10.2020 in favour of the petitioner and the Patta issued in favour of the petitioner under Patta No.5644. As such, the petitioner has made out a case to issue a direction to the respondents herein.

5. In the above facts and circumstances, the respondents herein are directed to consider the petitioner's application for survey, undertake such survey after putting the adjoining land owners who may be affected by the conduct of such survey on notice and conclude the exercise within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.15162 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// 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,
Aundipatti Taluk, Theni District.

2.The Firka Surveyor,
Aundipatti Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-27535[F] dated 27/08/2021)

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