



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15605 of 2021

R.Mariappan

... Petitioner

Vs.

1.The Tahsildar,
Kadavoor Taluk, Karur District.

2.The Taluk Surveyor,
Kadavoor Taluk,
Karur 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 lands in Survey Nos.1138/1E2, 1138/1D and 1138/1E in total extent of 3 Acres situated at Sembiyanatham Village, Kadavoor Taluk, Karur District within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.N.Satheeshkumar

For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the survey of lands in Survey Nos.1138/1E2, 1138/1D and 1138/1E of a total extent of 3 Acres at Sembiyanatham Village, Kadavoor Taluk, Karur District.

2. The petitioner claims title to 2 Acres of land in Survey Nos.1138/1D and 1138/1E by a registered sale deed dated 10.05.2017. As regards the land in Survey No.1138/1E2, the petitioner claims title under a registered sale deed dated 07.05.2019. Copies of the aforesaid sale deeds have been enclosed. In order to fence the property, the petitioner applied for the conduct of a survey on 16.06.2020. The petitioner relies on the proceedings dated 17.06.2020 from the Tahsildar, Karur to the first respondent herein, whereby the relevant request was annexed so as to take further action thereon. The present Writ Petition is filed on account of the failure of the first respondent to take action on such request.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to consider the petitioner's request for survey and dispose of the same on merits.

4. As indicated above, the petitioner has enclosed the sale deeds dated 10.05.2017 and 07.05.2019 under which he claims title to the property. In addition, Patta No.33 has been enclosed. Such



Patta pertains to Survey No.1138/1E2. It indicates the names of 10 persons, including the petitioner, as the pattadhars. The patta in relation to Survey Nos.1138/1D and 1138/1E has not been enclosed. The petitioner should provide such documents to the first respondent before the petitioner's request for survey is considered.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's request for survey dated 16.06.2020 and pass a reasoned order thereon 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, the joint pattadhars in respect of Survey No.1138/E2 as also Survey Nos.1138/1D and 1138/1E. In addition, the owners of adjoining properties, whose boundaries may be impacted by such survey, should also be put on notice. The petitioner is permitted to submit further documents to the first respondent within a period of two (2) weeks from the date of receipt of a copy of this order.

6.W.P(MD).No.15605 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

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 Revenue Divisional Officer,
Kadavoor Taluk, Karur District.

2.The Tahsildar,
Kadavoor Taluk, Karur District.

+1 CC to M/s.N.SATHEESHKUMAR, Advocate (SR-28125[F] dated 03/09/2021)

+1 CC to M/s.GP (SR-28049[F] dated 03/09/2021)

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