



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.15336 of 2021

Neelakandan

... Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Thiruvenkadam Taluk,
Tenkasi District.

2.The Head Surveyor,
Tahsildar Officer, Thiruvenkadam Taluk,
Tenkasi District.

3.The Superintendent of Police,
Tenkasi District, Tenkasi.

4.The Inspector of Police,
Ayyapuram Police Station,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to survey the land in Survey No.268/2A, with an extent of 0.24.00 hectar is situated at Kalappankulam Village, Thiruvenkadam Taluk, Tenkasi District at that time the fourth respondent by giving police protection on the basis of the representations dated 07.08.2021 and 12.08.2021.

For Petitioner : Mr.S.Selvakumar
For R-1 to R-4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a survey of the land bearing Survey No.268/2A at Kalappankulam Village, Thiruvenkadam Taluk, Tenkasi District

2. The petitioner states that the aforesaid property was purchased by his father in the year 1991 and that Patta No.966 was issued in his father's name. Subsequently, such property was conveyed to the petitioner under an Arrangement Deed dated



21.12.2020 and a Reform Deed dated 04.08.2021.

3. The petitioner refers to a dispute with the owner of an adjacent property with regard to the fixation of boundaries. The present Writ Petition is filed in view of the refusal to take action on the basis of the petitioner's representations dated 07.08.2021 and 12.08.2021 requesting for a survey.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents. He submits that the petitioner's request for a survey may be considered and disposed of on merits after putting any rival claimants on notice.

5. The petitioner has enclosed Patta No.966 which is in the name of his father Kalukasala Thevar. He has also enclosed the documents of conveyance from his father to himself. In these circumstances, a case is made out to issue a direction to the first and second respondents to consider the petitioner's representations. However, Paragraph No.4 of the affidavit reveals that there is a dispute with regard to boundaries as between the petitioner and one of the adjacent land owners. Therefore, it would be necessary to put such rival claimant on notice before deciding the petitioner's application.

6. Accordingly, without going into the merits of the matter, the first and second respondents herein are directed to consider the petitioner's representations dated 07.08.2021 and 12.08.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and the owners of adjoining properties who would be affected by the conduct of such survey and by marking the boundaries of the property. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

7. W.P.(MD).No.15336 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

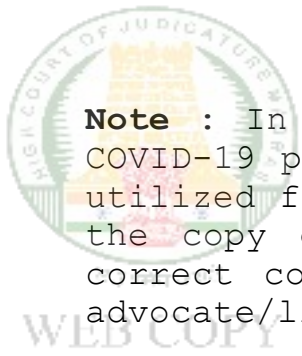
Assistant Registrar (CS III)

// 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 Tahsildar,
Tahsildar Office,
Thiruvenkadam Taluk,
Tenkasi District.
- 2.The Head Surveyor,
Tahsildar Officer,
Thiruvenkadam Taluk,
Tenkasi District.
- 3.The Superintendent of Police,
Tenkasi District, Tenkasi.
- 4.The Inspector of Police,
Ayyapuram Police Station,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-27757[F] dated 01/09/2021)

W.P (MD) No.15336 of 2021
31.08.2021

ES(CO)
SB(07.09.2021) 3P 6C