



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.15608 of 2021

and

W.M.P.(MD).No.12553 of 2021

Velayutham

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Sub Collector/
Revenue Divisional Officer,
Kulithalai Taluk,
Karur District.

3.The Thasildar,
Kulithalai Taluk,
Karur District.

4.The Block Development Officer,
Thogaimalai,
Karur District.

5.Nagarajan

... 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 1 to 4 particularly the respondents 3 and 4 to follow due process of law for surveying the petitioner's house bearing D.No.9/73, situated at S.No.820/23, Mariamman Kovil Mela Street, Kalladai Village, Kulithalai Taluk, Karur District.

For Petitioner : Mr.Murugappan R

For Respondents : Mr.P.Subbaraj

Counsel for the State for R1 to R3

: Mr.S.Shanmugaselvan

Standing Counsel for R4

ORDER

The petitioner seeks to prevent the respondents from conducting a survey of his property bearing Door.No.9/73, Survey No.820/23
<https://hcservices.ecourts.gov.in/hcservices/>



Mariamman Kovil Mela Street, Kalladai Village, Kulithalai Taluk, Karur District, except in accordance with due process of law.

2. The petitioner states that he is a retired school teacher living at the above mentioned address. He states that such property was purchased by him under a registered sale deed dated 22.03.2001, bearing document No.673/2001. Since the date of purchase, it is stated that the petitioner is in possession and enjoyment of the property. The petitioner relies upon patta No.203, which is issued in the name of Shankar. The petitioner states that he purchased the property from the said Shankar in 2001.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and Mr.S.Shanmuga Selvam, learned Standing counsel accepts notice on behalf of the 4th respondent.

4. The documents on record include the sale deed dated 22.03.2001 in favour of the petitioner, the house tax receipt and the patta in the name of Shankar s/o. Ramasamy. Upon perusal of the sale deed dated 22.03.2001, it appears that the said Shankar is the petitioner's predecessor in interest. As such the petitioner has provided *prima facie* evidence that he is the owner of the relevant property. Needless to say, no survey should be undertaken of the petitioner's property without following the due process of law. Indeed, a survey is ordinarily undertaken at the instance of the owner of the relevant property. Even if a survey of the petitioner's property is necessary on account of any boundary disputes as between the petitioner and the fourth respondent or any other person, such survey cannot be undertaken without putting the petitioner on notice.

5. Subject to the above observations, W.P.(MD)No.15608 of 2021 is disposed of without any order as to costs. Consequently, connected W.M.P.(MD).No.12553 of 2021 is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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

<https://hcservicescentre.gov.in/hcservices> concerned.



To

1.The District Collector,
Karur District,
Karur.

2.The Sub Collector/
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Karur District.

3.The Thasildar,
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4.The Block Development Officer,
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Karur District.

+1 CC to M/s.GP (SR-28062[F] dated 03/09/2021)

W.P(MD).No.15608 of 2021

and

W.M.P.(MD).No.12553 of 2021

02.09.2021

MGJ(13.09.2021) 3P 6C