



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16158 of 2021

Vettaiyar

... Petitioner

Vs.

1.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.

2.The Head Surveyor,
Sivagangai,
Sivagangai District.

3.The Taluk Surveyor,
Ilayangudi Taluk,
Sivagangai District.

4.The Firka Surveyor,
Ilayangudi Taluk,
Sivagangai District.

5.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai 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 2 to 4 to survey and demarcate the petitioner's properties comprised in Survey Nos.15/6, 15/9A and 15/9D, situated at Periyavandalai Village, Nagamugunthangudi Group, Ilayangudi Taluk, Sivagangai District, by considering the petitioner's representation dated 29.07.2021 submitted to the respondents, within the time frame that may be fixed by this Hon'ble Court.

For Petitioner : M/s.T.Indrachithu
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner seeks a direction for a survey of the property bearing Survey Nos.15/6, 15/9A and 15/9D at Periyavandalai Village, Nagamugunthangudi Group, Ilayangudi Taluk, Sivagangai District.

2. The petitioner states that the above mentioned property is the ancestral property of the petitioner. Therefore, the petitioner and his relatives are in possession and enjoyment thereof for a number of years.



3. In order to demarcate the property, the petitioner applied for a survey and remitted a sum of Rs.2,400/- (Rupees Two Thousand and Four Hundred Only) in that regard. The present Writ Petition is filed on account of the failure of the respondents to take action on the request made by the petitioner.

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4. Mr.K.S.Selva Ganesan, learned counsel for the State, appears on behalf of all the respondents. He submits that the petitioner has remitted a sum of Rs.2,400/- (Rupees Two Thousand and Four Hundred Only) towards the fee payable for survey, whereas a sum of Rs.4,800/- (Rupees Four Thousand and Eight Hundred Only) is payable for such purpose.

5. The petitioner has enclosed the patta in respect of Survey Nos.15/6 and 15/9. Such patta is in the name of Karuppu and Malaikannu. The said Karuppu is said to be the petitioner's father. One more patta is also enclosed. The later patta bears Patta No.628. This patta covers three survey numbers, namely, Survey No.15/6, Survey No.15/9A and Survey No.15/9D. The patta has been issued in the names of Karuppu, Malaikannu and KayaambuKoan. It is unclear as to whether the said persons are in joint ownership of the entire extents indicated in respect of three survey numbers under the patta or whether they are occupying distinct portions thereof. In any event, the joint pattadhars should be put on notice before a survey is undertaken in respect of these properties.

6. Accordingly, the petitioner is directed to remit the balance survey fee of Rs.2,400/- (Rupees Two Thousand and Four Hundred Only) within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to consider the petitioner's request for survey by representation dated 29.07.2021 and take necessary action on such basis after providing a reasonable opportunity to the petitioner and the joint pattadhars. In addition, the first respondent herein is directed to put the adjoining land owners who may be affected by the conduct of a survey on notice. The entire exercise should be completed within a period of three (3) months from the date of remittance of the survey fees by the petitioner.

7. W.P.(MD).No.16158 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

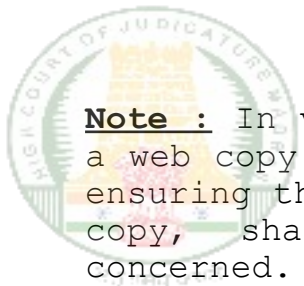
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/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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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.

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To

- 1.The Tahsildar,
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Sivagangai District.
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Sivagangai District.
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Ilayangudi Taluk,
Sivagangai District.
- 4.The Firka Surveyor,
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Sivagangai District.
- 5.The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

+1 CC to M/s.SPL. GP (SR-29472[F] dated 17/09/2021)

**W.P (MD) No.16158 of 2021
16.09.2021**

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