



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16517 of 2021

K.Karunanithi

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Mudukulathur,
Ramanathapuram District.

3.The Assistant Director,
Land Survey and Records,
Collectorate Office,
Ramanathapuram District.

4.The Inspector of Police,
Mudukulathur Police Station, Mudukulathur.

5.Rajapandi

6.Muthandi

7.Karnan

8.Subramanian

... Respondents

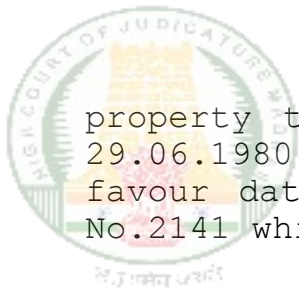
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 19.08.2021 and consequently directing the District Surveyor to measure the property in Survey No.297/1 situated at Athanakkurichi, Kakkoor Post, Mudukulathur Taluk, Ramanathapuram District and fix the boundary line.

For Petitioner : Mr.K.Mahendran
For R1 to R4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a survey of the property bearing Survey No.297/1, Athanakkurichi, Kakkoor Post, Mudukulathur Taluk, Ramanathapuram District.

2. The petitioner traces title to the above mentioned



property to a settlement deed executed in favour of his wife on 29.06.1980. He relies upon a subsequent settlement deed in his favour dated 30.11.2015. In addition, the petitioner cites Patta No.2141 which was issued to him by proceedings dated 06.09.2018.

3. In view of the fact that third parties have attempted to encroach upon the petitioner's property, the petitioner submitted a representation. In response thereto, by communication dated 19.11.2019, the District Collector called upon the Tahsildar to initiate action on the petitioner's representation and report thereon to the District Collector. After submitting a representation dated 23.06.2020 seeking survey of the land, the petitioner has approached this Court on account of the failure of the Tahsildar concerned to conclude such survey on account of encroachments by third parties.

4. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of respondents 1 to 4. On instructions, he states that the property bearing Survey No.297/1 is recorded in the name of the petitioner in the relevant revenue records. Therefore, he submits that the second respondent would undertake a survey as prayed for by the petitioner.

5. The petitioner has submitted both title documents and revenue records in support of his claim over Survey No.297/1. Therefore, the representation of the petitioner seeking a survey merits consideration. Needless to say, before undertaking a survey the owners of adjoining properties, whose boundaries may be impacted, should be put on notice.

6. Subject to the above observations but without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 19.08.2021 seeking a survey of the property and dispose of the same by a reasoned communication after providing a reasonable opportunity to the petitioner, the private respondents herein and the owners of adjoining properties who may be affected by the conduct of a survey. The entire exercise shall be concluded within a period of three (3) months from the date of receipt of a copy of this order.

7. Accordingly, W.P.(MD).No.16517 of 2021 is disposed of on these terms without any order as to costs.

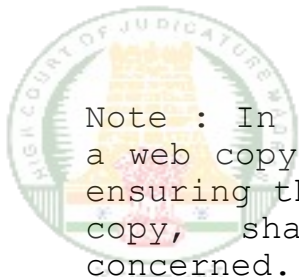
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Mudukulathur,
Ramanathapuram District.

3.The Assistant Director,
Land Survey and Records,
Collectorate Office,
Ramanathapuram District.

4.The Inspector of Police,
Mudukulathur Police Station,
Mudukulathur.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-30099[F] dated 23/09/2021)

+1 CC to M/s.SPL. GP (SR-30022[F] dated 23/09/2021)

W.P (MD) No.16517 of 2021

22.09.2021

RD(29.09.2021) 3P 7C