



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16492 of 2021

P.Seruvalingam

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Sivagangai Taluk,
Sivagangai District.

2.The Firka Surveyor,
Sivagangai Firka,
Sivagangai Taluk,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to survey the petitioner land comprised in Survey No.365/17C situating at Easanoor Village, Idayamelur Group, Sivagangai Taluk, Sivagangai District and to fix the four boundaries of the same in accordance with law with the time stipulated by this Court.

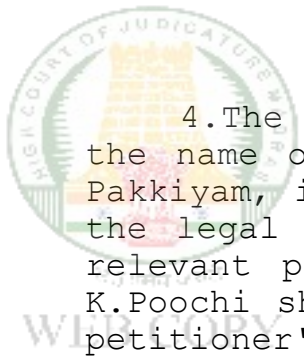
For Petitioner : Mr.S.Malaikani
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for the State

O R D E R

The petitioner seeks a survey of the land bearing Survey No. 365/17C situated at Easanoor Village, Idayamelur Group, Sivagangai Taluk, Sivagangai District.

2.The petitioner asserts that the above mentioned property was purchased by his late father, K.Poochi, from one Pakkiyam in the year 1995. A copy of the sale deed dated 13.06.1995 in favour of the petitioner's father is enclosed. In addition, the petitioner has enclosed a copy of Patta No.806 in the name of Pakkiyam, who is the petitioner's father's vendor. In order to survey the property, the petitioner states that he submitted a representation on 26.05.2021. The present writ petition is filed in view of the failure to take action thereon.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, appears on behalf of both the respondents. He submits that the petitioner's representation may be considered and disposed of after providing a reasonable opportunity to all the legal heirs of the late K.Poochi.



4.The documents produced by the petitioner are the sale deed in the name of the petitioner's father and the patta in the name of Pakkiyam, i.e. the vendor to the petitioner's father. Therefore, all the legal heirs of the late K.Poochi may have an interest in the relevant property. Accordingly, the said legal heirs of the late K.Poochi should be put on notice before a decision is taken on the petitioner's representation for survey.

5.Accordingly, without entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 26.05.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and the other legal heirs of the late K.Poochi. The petitioner is directed to submit the details of such legal heirs to the Tahsildar within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the Tahsildar is directed to issue a reasoned order within a period of three months from the date of receipt thereof. In case the Tahsildar decides to conduct a survey, the adjoining land owners shall be provided a reasonable opportunity since such survey may have an impact on their boundaries.

6.W.P(MD).No.16492 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Tahsildar,
Office of the Tahsildar,
Sivagangai Taluk,
Sivagangai District.

2.The Firka Surveyor,
Sivagangai Firka,
Sivagangai Taluk,
Sivagangai District.

+1 CC to M/s.SPL. GP (SR-30154[F] dated 24/09/2021)

W.P. (MD)No.16492 of 2021

22.09.2021

DJ(CO)

RS (06.10.2021) 2P 4C

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