



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16776 of 2021

Jeyaprakash

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Mudukulathoor Taluk Office,
Ramanathapuram District.

3.The Firka Surveyor,
Mudukulathoor Taluk Office,
Ramanathapuram District.

...Respondents

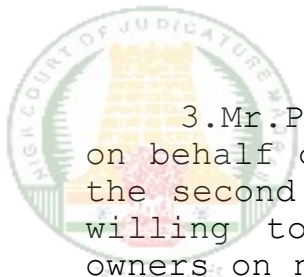
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to survey and demarketing the boundaries in Survey No.252/2A, 253/1A, Bagamathi Village, Manalore group, Mudukulathoor Taluk, Ramanathapuram District based on the representation dated 23.09.2019.

For Petitioner	: Mr.P.Muthusamy
For Respondents	: Mr.P.Subbaraj Counsel for State

ORDER

The petitioner seeks a survey of the land bearing S.Nos.252/2A and 253/1A at Bagamathi Village, Manalore Group, Mudukulathoor Taluk, Ramanathapuram District. The petitioner states that the above mentioned lands were purchased by his father under sale deed dated 26.07.1980. Pursuant thereto, it is stated that a patta was issued to his father under Patta No.99.

2.The petitioner states that he approached the second respondent in the year 2019 to carry out a survey and also remitted the necessary fees in such regard. The present writ petition is filed on account of the alleged failure of the respondents to take action on the petitioner's request.



3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. On instructions, he submits that the second respondent and other authorities concerned are ready and willing to undertake a survey after putting the adjoining land owners on notice and after considering their objections, if any.

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4.The petitioner relies upon a sale deed in his father's name and a patta in his father's name. The petitioner has not enclosed documents indicating the legal heirs of his father. Therefore, it would be necessary for the petitioner to submit the particulars of the legal heirs and provide a No Objection Letter from such legal heirs. In addition, it would be necessary to put the adjoining land owners, whose boundaries may be impacted by such survey, on notice before a decision is taken in such regard.

5.Accordingly, the petitioner is permitted to submit additional documents and remit the requisite fees for the conduct of a survey within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt thereof, the second and third respondents are directed to take necessary action on the request for survey after providing a reasonable opportunity to the petitioner, the other legal heirs of Mr.Asirvatham, unless such legal heirs provide their consent, and the adjoining land owners. The entire exercise shall be concluded within a period of three (3) months from the date of receipt of a copy of this order.

6.W.P.(MD).No.16776 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 District Collector,
Ramanathapuram District.



2.The Tahsildar,
Mudukulathoor Taluk Office,
Ramanathapuram District.

3.The Firka Surveyour,
Mudukulathoor Taluk Office,
Ramanathapuram District.

+1 CC to M/s.SPL. GP (SR-29762[F] dated 21/09/2021)

+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-29627[F] dated 20/09/2021)

W.P (MD) .No.16776 of 2021
20.09.2021

NSN (CO)
KB (29.09.2021) 3P 6C