



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16984 of 2021

Sangaiah

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.

3.The Head Surveyor,
Thiruvengadam Taluk Office,
Thiruvengadam Taluk,
Tenkasi 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 Nos.2 and 3 to survey and mark the boundaries of the land in Natham Survey No.1369/21 and 1369/24, which is situated at Therku ayyapulipatti Village, Vellakulam Revenue Village, Thiruvengadam Taluk, Tenkasi District based on petitioner representations dated 26.07.2021 and 04.09.2021 within stipulated time.

For Petitioner : Mr.P.Ponraj
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 2 and 3 to survey the lands in Natham Survey Nos.1369/21 and 1369/24 at Therku ayyapulipatti Village, Vellakulam Revenue Village, Thiruvengadam Taluk, Tenkasi District.

2. The petitioner states that the above mentioned property was in the possession of his parents until their death. Thereafter, it is stated that the petitioner is in possession and enjoyment thereof. By citing a Natham Nilavarithitta Thooya Chitta in his



favour, the petitioner seeks a survey of the property. It is stated that an application was submitted in such regard to the second respondent on 26.07.2021. The present Writ Petition is filed after sending a reminder dated 04.09.2021.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's representation may be directed to be considered and disposed of on merits.

4. The petitioner has enclosed a copy of the Natham Nilavarithitta Thooya Chitta. The said document has been issued in the name of the petitioner. It pertains to Survey Nos.1369/20 and 1369/24.

5. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representations dated 26.07.2021 and 04.09.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and the owners of adjoining properties who may be affected by the conduct of a survey. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.16984 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)

tsg/LM

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,
Tenkasi District,
Tenkasi.



2.The Tahsildar,
Thiruvengadam Taluk,
Tenkasi District.

3.The Head Surveyor,
Thiruvengadam Taluk Office,
Thiruvengadam Taluk,
Tenkasi District.

+1 CC to M/s.SPL. GP (SR-30017[F] dated 23/09/2021)

W.P (MD) No.16984 of 2021
22.09.2021

RD(29.09.2021) 3P 5C