



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17097 of 2021

K.Sakthivel

... Petitioner

Vs.

1.The Thasildar,
Vedasendur Taluk,
Vedasendur Taluk Office,
Dindigul District.

2.The Firka Surveyor,
Ayyalur Circle,
Vedasendur Taluk Office,
Dindigul District.

3.The Village Administrative Officer,
Pagnatham Village,
Vedasendur Taluk,
Dindigul District.

4.Savadammal

...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 measure the land and fix the boundary for the petitioner's land situated at S.Nos.804/4, 804/5 situated at Paganatham Village, Vedasendur Taluk, Dindigul District with the aide of police if it is necessary, based on the application dated 29.09.2020 made by the petitioner before the first respondent within the time stipulated by this Court.

For Petitioner

: Mr.S.Sarvagan Prabhu

For R1 to R3

: Mr.K.S.Selva Ganesan

Counsel for State

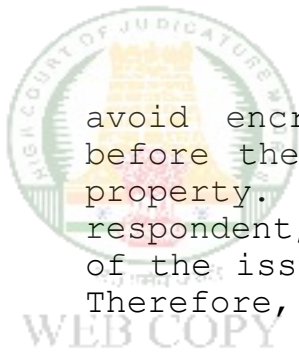
ORDER

The petitioner seeks a survey of the property bearing Survey Nos.804/4 and 804/5 at Paganatham Village, Vedasendur Taluk, Dindigul District.

2.The petitioner states that he purchased the above mentioned property through a registered sale deed dated 25.04.2008, bearing Document No.1443/ 2008. He also cites Patta Nos.2247 and 2248 in this connection.

3.In order to demarcate the boundaries of the property and

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avoid encroachment thereon, the petitioner filed an application before the first respondent on 29.09.2020 seeking a survey of the property. However, in view of the objections of the fourth respondent, it is stated that such survey was not completed in spite of the issuance of a notice in such regard by the third respondent. Therefore, the petitioner has filed the present writ petition.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the first respondent may be directed to consider the petitioner's application dated 29.09.2020 and dispose of the same on merits after putting the joint pattathars on notice.

5.The petitioner has enclosed a copy of the sale deed dated 25.04.2008 in his favour. In addition, the petitioner has enclosed patta Nos.2247 and 2248. Patta No.2247 is in respect of S.No.804/4. This patta has been issued separately in the name of the petitioner. Patta No.2248, on the other hand, is a joint patta in respect of S.No.804/5. The said joint patta is in respect of a property admeasuring 2.5 ares. The joint patta has been issued in the names of Pappathi, Savadammal, Tirumalsamy Gowdar and the petitioner, Sakthivel. Therefore, it is just and necessary to put the joint pattathars on notice before taking a decision on the petitioner's application for survey. In addition, it is also necessary to put the adjoining land owners, whose boundaries may be impacted by the conduct of a survey on notice.

6.Accordingly, the first respondent is directed to consider the petitioner's application dated 29.09.2020 and dispose of such application either by undertaking a survey in response thereto or by issuing a reasoned order indicating the reasons for refusal to conduct such survey. Before taking a decision, a reasonable opportunity shall be provided to the petitioner, the joint pattathars in respect of Survey No.804/5 and the owners of adjoining properties whose boundaries may be impacted 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.W.P.(MD).No.17097 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D.II)

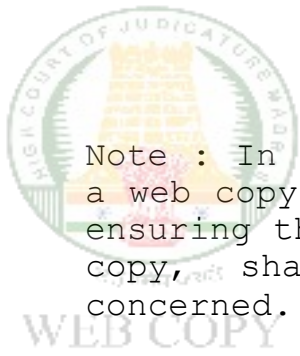
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/ /2021

Sub Assistant Registrar(CS)

sn/sji

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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.

To

- 1.The Thasildar,
Vedasendur Taluk,
Vedasendur Taluk Office,
Dindigul District.
- 2.The Firka Surveyor,
Ayyalur Circle,
Vedasendur Taluk Office,
Dindigul District.
- 3.The Village Administrative Officer,
Pagnatham Village,
Vedasendur Taluk,
Dindigul District.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-30240[F] dated 24/09/2021)

+1 CC to M/s.SPL. GP (SR-30195[F] dated 24/09/2021)

W.P (MD) .No.17097 of 2021
23.09.2021

RD(1.10.2021) 3P 6C