



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17117 of 2021

WEB COPY

Pitchai Thevar

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildhar,
Palani Taluk,
Dindigul District.

3.The Taluk Surveyor,
Palani Taluk,
Dindigul 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 to make a survey, fix four boundaries by corrolating the sale deed dated 04.09.1991 for the house site purchased by the petitioner in Plot Nos.14 and 15 in S.No.1059/3 with an extent of 4440 sq.ft at Ramanatha Nagar, Palani by considering his petitions dated 29.01.2021 and 08.07.2021 within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a survey and the fixation of the boundaries of Plot Nos.14 and 15 in S.No.1059/3 of an extent of 4440 sq.ft. at Ramanatha Nagar, Palani.

2.The petitioner asserts that the above mentioned property was purchased under a registered sale deed dated 04.09.1991. Upon the purchase of the property, the petitioner states that he applied for and obtained a patta in his name. Thereafter, with an intention to survey the property, the petitioner applied to the second respondent on 29.01.2021. The requisite fee was also remitted. The present writ petition is filed on account of the alleged failure of the second respondent to initiate action on the petitioner's application for survey.



3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's request for survey may be considered and disposed of on merits and in accordance with law.

4.The petitioner has enclosed a copy of the registered sale deed dated 04.09.1991 in his favour. He has also enclosed a copy of Patta No.968. The said patta has been issued in the name of the petitioner. It pertains to S.No.1059/3 of an extent of 4 ares. On the basis of these documents, the petitioner is entitled to a consideration of the application for conduct of survey. From the facts and documents on record, there do not appear to be any rival claimants. However, the adjoining land owners whose boundaries may be impacted by the conduct of a survey should be put on notice.

5.Accordingly, the second respondent is directed to consider the petitioner's application for survey dated 29.01.2021 and 08.07.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner and owners of adjoining properties whose boundaries may be impacted if a survey is conducted. The entire exercise shall be concluded within a period of three months from the date of receipt of a copy of this order.

6.W.P.(MD).No.17117 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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,
Dindigul District.

2.The Tahsildhar,
Palani Taluk,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Taluk Surveyor,
Palani Taluk,
Dindigul District.

+1 CC to M/s.SPL. GP (SR-30196[F] dated 24/09/2021)

WEB COPY

W.P (MD) .No.17117 of 2021
23.09.2021

RK (01.10.2021) 3P 5C