



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17440 of 2021

Appavoo

... Petitioner

Vs.

1.The Tahsildar,
Manachanallur Taluk,
Manachanallur,
Trichirapalli District.

2.The Head Surveyor,
Manachanallur Taluk,
Manachanallur,
Trichirapalli 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 survey and demarcate the land comprised in Survey No.151/2B1A measuring about 0.21 cents out of 0.36.55 hectares situated at Venkankudi Village, Manachanallur Taluk, Tiruchirapalli District in the light of the petitioner's application dated 05.03.2021 submitted before the first respondent within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a survey and demarcation of the property bearing S.No.151/2B1A of an extent of 0.21 cents out of the larger extent of 0.36.55 hectares at Venkankudi Village, Manachanallur Taluk, Tiruchirapalli District.

2.The petitioner claims title to the above mentioned property under a settlement deed dated 11.02.2021, which was executed by his mother in his favour. Pursuant thereto, the petitioner states that the patta was also mutated in his favour.

3.In spite of submitting an online application on 05.03.2021 and remitting the requisite fees, it is stated that no action has been taken for the conduct of a survey.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for both the respondents. He submits that the petitioner's

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application for survey may be considered and disposed of after putting the joint pattathars on notice.

5.The petitioner has enclosed a copy of the settlement deed in his favour. Such settlement deed indicates that it is in respect of 0.21 cents in S.No.151/2B1A. The joint patta is also enclosed. Such joint patta has been issued under Patta No.4. It pertains to S.No.151/2B1A of an extent of 0.36.55 hectares. Apart from the petitioner, such joint patta has been issued to Chellammal, Subramaniya Pillai, Kamala, Thirunavukarasu, Balachandar and Syed Hussaian. Therefore, the joint pattathars should be put on notice before the petitioner's application for survey is considered and decided upon. In addition, it is necessary to put the adjoining land owners whose boundaries may be affected by the conduct of a survey on notice.

6.Subject to the above observations but without entering any findings on the merits of the matter, the respondents herein are directed to consider the petitioner's application dated 05.03.2021 and initiate action on such basis after putting the joint pattathars under Patta No.4 on notice as also the owners of adjoining properties, whose boundaries may be impacted. The entire exercise shall be concluded within a period of three (3) months either by conducting a survey as requested or by issuing a reasoned communication indicating the reasons for refusing to do so.

7.W.P.(MD).No.17440 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// 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 Tahsildar,
Manachanallur Taluk,
Manachanallur,
Trichirapalli District.

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



2.The Head Surveyor,
Manachanallur Taluk,
Manachanallur,
Trichirapalli District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-30803[F] dated
30/09/2021)

+1 CC to M/s.SPL.GP (SR-30669[F] dated 29/09/2021)

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NSN (CO)

RS (07.10.2021) 3P 5C