



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.17729 of 2021

S.Ganapathi

... Petitioner

Vs.

1.The Tahsildar,
Karaikudi Taluk Office,
Sivagangai District.

2.The Assistant Director,
Department of Survey,
Collectorate Complex,
Sivagangai District.

3.The Firka Surveyor,
Karaikudi Taluk Office,
Sivagangai 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 consider the petitioner's representation dated 15.08.2021 and surveying the survey No.137/11 extent of 0.17.55 hectares out of 0.35.00 hectares (43.22 cents) at Kurunthampattu Village Post, Karaikudi Taluk, Sivagangai District and demarcate the boundaries.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a survey of the property bearing S.No.137/11 at Kurunthampattu Village, Karaikudi Taluk, Sivagangai District.

2.The petitioner states that he is the owner of 43.22 cents out of the larger extent of 0.35.00 hectares in the above mentioned property. He states that he executed a settlement deed dated 11.01.2013 in favour of his wife. The petitioner seeks a survey for purposes of demarcating the boundaries of the property. For such purpose, a representation dated 15.08.2021 was submitted. The present writ petition is filed on account of the alleged failure of the respondents to initiate action thereon.

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 considered and disposed of after providing a reasonable opportunity to the joint pattathar and the owners of the adjoining properties.

4.The petitioner has enclosed a copy of Patta No.2066. The said patta pertains to the property bearing S.No.137/11 of an extent of 0.35.00 hectares. Such patta has been issued to Ganapathi and Nachiappan. Therefore, the pattathar, Nachiappan, should be put on notice. It is also evident from the patta that the total extent of property under the relevant survey number is larger than the property owned by the petitioner's wife.

5.Therefore, W.P.(MD).No.17729 of 2021 is disposed of by directing the first respondent to consider the petitioner's representation dated 15.08.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner, the petitioner's wife, the joint pattathar and the owners of adjoining properties, whose boundaries may be impacted by the conduct of a survey. The first respondent is directed to either undertake such survey or issue a reasoned communication indicating the reasons for refusing to do so. The entire exercise shall be concluded within a period of three (3) months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// 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,
Karaikudi Taluk Office,
Sivagangai District.
- 2.The Assistant Director,
Department of Survey,
Collectorate Complex,
Sivagangai District.



3.The Firka Surveyor,
Karaikudi Taluk Office,
Sivagangai District.

+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-31044[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-31007[F] dated 04/10/2021)

W.P(MD) .No.17729 of 2021

01.10.2021

NSM(CO)

GC(26.10.2021) 3P 6C