



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17481 of 2021

S.Esakkimuthu

... Petitioner

Vs.

1.The Tahsildar,
Eral Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Taluk Office,
Eral Taluk,
Thoothukudi 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 first and second respondents to survey and demarcate the petitioner's house site property comprised in Natham Survey No.902/4, situated at Alwarthiru nagari Village, Eral Taluk, Thoothukudi District, by considering the petitioner's representation dated 30.07.2021 submitted to the respondents within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Mandhiralingeswaran
For Respondents : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks a survey of the property bearing Natham Survey No.902/4, situated at Alwarthirunagari Village, Eral Taluk, Thoothukudi District.

2. The petitioner claims right over the above mentioned property under a Natham Nilavari Thittam Thooya Chitta issued in the year 2007. In order to fix the boundaries of the relevant property, the petitioner applied for a survey on 30.07.2021. It is stated that such survey was not carried out in spite of remitting the requisite fees.



3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the respondents may be directed to consider and dispose of the petitioner's request for a survey in accordance with law.

4. The petitioner has enclosed a copy of the chitta issued in his favour in respect of the property bearing Survey No.902/4 admeasuring 0.01.24 Ares. It also appears that an application for survey has been filed by remitting the fees in such regard. Consequently, the petitioner is entitled to the expeditious consideration of his request.

5. Accordingly, without entering any findings on the merits of the matter, the respondents are directed to consider the petitioner's request for survey and initiate action on such basis after providing a reasonable opportunity to the petitioner and the owners of adjacent properties, whose boundaries may be impacted by the conduct of such survey. The respondents shall either undertake the survey or indicate cogent reasons for refusing to do so. In any case, this process shall be completed within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.17481 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

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,
Eral Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Taluk Office,
Eral Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-30721[F] dated 30/09/2021)

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