



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17623 of 2021

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S.Nadesh Kumar

...Petitioner

Vs.

1. The Tahsildar,
Eral Taluk, Thoothukudi District.

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

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to survey the petitioner's patta land and fix the boundaries of the said vacant land measuring a total extent of 80 cents in Survey Nos.3/3A and 3/3B in Korkai Village, Eral Taluk, Thoothukudi District.

For Petitioner	: Mr.K.S.Kumar
For Respondents	: Mr.P.Subbaraj, Counsel for the State

O R D E R

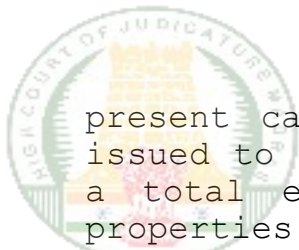
The petitioner seeks a survey of the land measuring 80 cents in Survey Nos.3/3A and 3/3B in Korkai Village, Eral Taluk, Thoothukudi District.

2. The petitioner states that he and his two brothers Rajesh Kumar and Sadanand are the owners of the above mentioned 80 cents of land in Survey Nos.3/3A and 3/3B. The pattas issued by the Tahsildar under Patta Nos.1820 and 1821 are cited in this regard. In addition, the petitioner cites gift deeds executed on 26.04.2012 and 23.04.2021. It is stated that the petitioner submitted an application seeking survey. Pursuant thereto, a notice was issued on 08.09.2021 by the Surveyor. However, no action was taken thereafter.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's request for survey may be considered and disposed of within a reasonable time frame.

4. The petitioner has enclosed copies of Patta Nos.1820 and 1821. Patta No.1820 pertains to Survey No.3/3A and 6/2A1. In the

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present case, the relevant survey number is 3/3A. This patta was issued to six persons including the petitioner. It is in respect of a total extent of 0.17.92 Ares. Patta No.1821 pertains to the properties bearing Survey No.3/3B and 6/2A2. In the present case, survey number 3/3B is relevant and not the other survey number. This patta has been issued in the name of the petitioner and two others. The petitioner has also enclosed gift deeds dated 26.04.2012 and 23.04.2021. By virtue of the gift deed dated 26.04.2021, the rights in the property bearing Survey No.3/3A has been settled by Jeyakanthi Ammal in favour of the petitioner and his two brothers, S.Rajesh Kumar and S.Sadanand. Likewise, under the settlement deed dated 23.04.2021, the rights in relation to the property bearing Survey No.3/3B has been settled in favour of the petitioner and his two brothers by Selvalakshmi and Sugitha.

5. Accordingly, the petitioner has made out a case for the consideration of his request for survey. Before taking a decision on the petitioner's request for survey, a reasonable opportunity should be provided to the petitioner's brothers Rajesh Kumar and Sadanand. In addition, the adjoining land owners should be put on notice.

6. Accordingly, the first respondent is directed to consider the petitioner's request for survey dated 05.08.2021 and initiate action on such request after providing a reasonable opportunity to the petitioner and his brothers, Rajesh Kumar and Sadanand, as also the owners of the adjoining properties, whose boundaries may be impacted by the conduct of the survey. Entire exercise shall be concluded within a period of three months from the date of receipt of a copy of this order.

7. W.P(MD).No.17623 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Tahsildar,
Eral Taluk, Thoothukudi District.

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



+1 CC to M/s.K.S.KUMAR, Advocate (SR-31114[F] dated 04/10/2021)

+1 CC to M/s.SPL.GP (SR-30866[F] dated 01/10/2021)

W.P. (MD) No.17623 of 2021
30.09.2021

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