



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17843 of 2021

WEB COPY

P.Chandra

... Petitioner

Vs.

1. The Tahsildar,
Madukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.

2. The Taluk Surveyor,
Madukulathur Taluk Office,
Mudukulathur,,
Ramanathapuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to conduct survey and fix the four boundaries to the property comprised in Survey Nos.18/1B2C1D and 18/47 for an extent of 0.26.50 and 0.2.00 situated at Ilangakoor Village, Mudukulathur Taluk, Ramanathapuram District on the basis of the petitioner's application dated 19.06.2017 within time frame fixed by this Court.

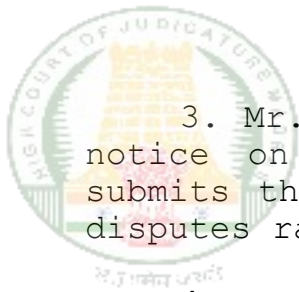
For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State.
Mr.Mohan Gandhi for Proposed party.

O R D E R

The petitioner seeks a survey and the fixation of boundaries in respect of the property bearing Survey Nos. 18/1B2C1D and 18/47 of an extent of 0.26.50 Ares and 0.2.00 Ares, respectively, at Ilangakoor Village, Mudukulathur Taluk, Ramanathapuram District.

2. The petitioner relies upon a sale deed dated 23.05.1989, bearing Document No.481 of 1989, in respect of title to the property bearing Survey No.18/1B2C1D. In addition, the petitioner relies upon Patta No.543. The petitioner states that she wanted to demarcate the property and that therefore submitted multiple representations seeking a survey, but that such survey was not completed.



3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of both the respondents. On instructions, he submits that the survey could not be completed earlier in view of disputes raised by persons from a nearby Adi-Dravidar Colony.

4. Mr.Mohan Gandhi, learned counsel, appears on behalf of a proposed party, namely, one Bhanumathi. He states that the said Bhanumathi is the owner of an adjoining property and that, therefore, the boundary of Bhanumathi's property would be impacted by the conduct of the survey.

5. The petitioner has enclosed the sale deed dated 23.05.1989. On perusal of the schedule thereto, it appears that the sale deed is in respect of the property bearing Survey No.18/1B2C1D. Although no sale deed has been enclosed as regards the property bearing Survey No.18/47, the petitioner relies upon Patta No.543. The said patta pertains to the property bearing Survey No. 18/1B2C1D of a total extent of 0.26.50 Ares and Survey No.18/47 of an extent of 0.2.00 Ares. On the basis of these documents, the petitioner has made out a case for the consideration of her application dated 19.06.2017. As regards the grievance expressed by the intervenor, a reasonable opportunity should be provided to the said Bhanumathi before a decision is taken on the petitioner's representation for survey. Similarly, notice should be given to all the adjoining land owners whose boundaries may be impacted by the conduct of the survey.

6. Subject to the above observations but without entering any findings on the merits of the matter, the respondents are directed to consider the petitioner's application dated 19.06.2017 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the above mentioned Bhanumathi and the owners of adjoining properties whose boundaries may be impacted by the conduct of the survey. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

7. W.P(MD).No.17843 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn



To

1. The Tahsildar,
Madukulathur Taluk Office,
Mudukulathur,,
Ramanathapuram District.

2. The Taluk Surveyor,
Madukulathur Taluk Office,
Mudukulathur,,
Ramanathapuram District.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-31287[F] dated 05/10/2021)

+1 CC to M/s.SPL.GP (SR-31225[F] dated 05/10/2021)

W.P.(MD)No.17843 of 2021

04.10.2021

MGJ(20.10.2021) 3P 5C