



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17903 of 2021

Alagappan

... Petitioner

Vs.

1.The District Collector,
O/o.the Collectorate Campus,
Madurai-20.

2.The Tahsildar,
O/o.the Tahsildar,
T.Vadipatti Taluk,
Madurai.

3.The Head Surveyor,
O/o.the Tahsildar,
T.Vadipatti Taluk,
Madurai.

... Respondents

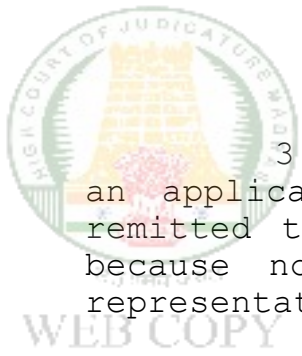
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to survey and fix the four boundaries of the petitioner's land by laying the survey stone comprised in Survey No.246/8 situated at Muduvarpatti Village, T.Vadipatti Taluk, Madurai District by considering the representations given by the petitioner dated 04.09.2021.

For Petitioner : Mr.V.Muthu Samundeeswaran
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State

ORDER

The petitioner seeks a survey and the fixation of boundary stones in respect of the property bearing Survey No.246/8 at Muduvarpatti Village, T.Vadipatti Taluk, Madurai District.

2. The petitioner states that he purchased two parcels of land bearing Survey No.246/8 of specific extents under two registered sale deeds dated 03.11.2003 and 21.01.2004, respectively. The petitioner also cites a patta issued to him under Patta No.1453 in respect of the said property.



3. In order to fence the property, the petitioner submitted an application on 06.01.2021 for undertaking a survey and also remitted the requisite fees. The present Writ Petition is filed because no action was taken thereon in spite of submitting a representation on 04.09.2021.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for all the respondents. He submits that the second respondent may be directed to consider the petitioner's application for a survey and deal with the same on merits and in accordance with law.

5. The petitioner has enclosed copies of the registered sale deeds dated 03.11.2003 and 21.01.2004. On perusal thereof, it appears that such sale deeds pertain to the property bearing Survey No.246/8. Patta No.1453 is also enclosed. Such patta has been issued in the name of Alagappan, the petitioner herein, and pertains to the property bearing Survey No.246/8 of an extent of 0.66.00 Ares. On the basis of these documents, the petitioner has made out a case for the consideration of his application for a survey. However, the owners of adjoining properties whose boundaries may be impacted by the conduct of such survey should be put on notice.

6. Accordingly, the second respondent herein is directed to consider the petitioner's application dated 06.01.2021 and the representation dated 04.09.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner and the owners of adjoining properties whose boundaries may be impacted by the conduct of a survey. The entire exercise shall be concluded within a period of three (3) months from the date of receipt of a copy of this order.

7. W.P(MD).No.17903 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)

tsg/LM

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 District Collector,
O/o.the Collectorate Campus,
Madurai-20.

2.The Tahsildar,
O/o.the Tahsildar,
T.Vadipatti Taluk,
Madurai.

3.The Head Surveyor,
O/o.the Tahsildar,
T.Vadipatti Taluk, Madurai.

+1 CC to M/s.S.V.MUTHU SAMUNDEESWARAN, Advocate (SR-31321[F] dated 06/10/2021)

+1 CC to M/s.SPL.GP (SR-31530[F] dated 07/10/2021)

W.P (MD) No.17903 of 2021
05.10.2021

RD(20.10.2021) 3P 6C