



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17838 of 2021

S.K.Perumal

... Petitioner

Vs .

1.The Thasildar,
Vilathikulam,
Vilathikulam Taluk,
Tuticorin District.

2.The Taluk Surveyor,
Vilathikulam,
Vilathikulam Taluk,
Tuticorin District.

3.M.Vellaisamy

... 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 respondent to conduct survey of petitioner's lands in S.Nos.98/2 and 99/5 at Virusampatti Village, Vilathikulam Taluk, based on his representation dated 28.09.2020 within the time stipulated by this Court.

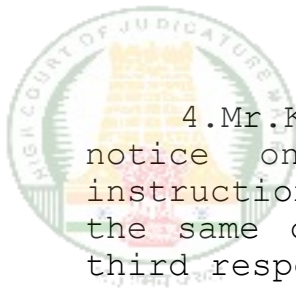
For Petitioner	: Mr.A.Srinivasan for Mr.T.Balaji
For R1 & R2	: Mr.K.S.Selva Ganesan Counsel for State

ORDER

The petitioner seeks a survey of the land bearing S.Nos.98/2 and 99/5 at Virusampatti Village, Vilathikulam Taluk.

2.The petitioner states that he is the owner of the above mentioned properties in terms of a registered settlement deed dated 02.08.1979. The patta issued to the petitioner in respect of the said properties is also relied upon.

3.The petitioner states that he wanted to erect a fencing around the property and, therefore, applied to the first respondent by remitting the requisite fees. In spite of issuing reminders, it is stated that the survey has not been concluded till date in view of the failure or refusal of the third respondent to participate at such survey.



4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of the first and second respondents. On instructions, he submits that the survey was fixed on 25.09.2021 but the same could not be carried out in view of the failure of the third respondent to be present.

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5.The petitioner has enclosed both title and revenue records indicating his interest in the relevant property. Patta No.708 has been enclosed. The said patta has been issued in the name of the petitioner and his wife, Karpagam. As such, the petitioner is entitled to the consideration of his representation dated 28.09.2020. Needless to say, the third respondent herein, the petitioner's wife and the owners of the adjoining properties, whose boundaries may be impacted by the conduct of a survey, should be put on notice.

6.Subject to the above observations but without entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 28.09.2020 and initiate action on such basis after providing a reasonable opportunity to the petitioner, his wife, the third respondent 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 either by completing a survey or by issuing a reasoned communication indicating the reasons for refusal to do so.

7.W.P(MD).No.17838 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS II)

// 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 Thasildar,
Vilathikulam,
Vilathikulam Taluk,
Tuticorin District.

2.The Taluk Surveyor,
Vilathikulam,
Vilathikulam Taluk,
Tuticorin District.

+1 CC to M/s.T.BALAJI, Advocate (SR-31131[F] dated 05/10/2021)

+1 CC to M/s.SPL.GP (SR-31223[F] dated 05/10/2021)

W.P (MD) .No.17838 of 2021
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PS (CO)/RS (20.10.2021) 3P 5C