



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17970 of 2021

P.Muthuraj

... Petitioner

Vs.

1. The Tahsildar,
Watrap Taluk,
Virudhunagar District.

2. The Head Surveyor,
Taluk Office,
Watrap Taluk,
Virudhunagar 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 and demarcate the petitioner's land property, being an extent of 1102.5 sq. feet at measuring East West 35.5 feet, North South 35 feet in comprised in survey No.472/B2, Natham Survey No.1595/69 and a mud house constructed there upon bearing Door Nos.5A & 5B, at Ward No.7, Watrap Village, Watrap Taluk, Virudhunagar District.

For Petitioner : Mr.A.Balaji
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for the State.

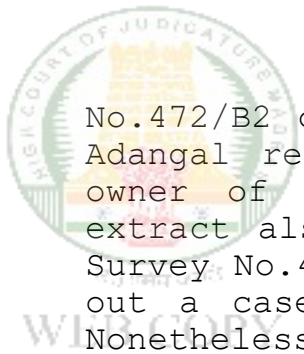
O R D E R

The petitioner seeks a survey and demarcation of the property measuring 1102.5 square feet at Survey No.472/B2, Natham Survey No.1595/69 bearing Door Nos.5A and 5B, Ward No.7, Watrap Village, Watrap Taluk, Virudhunagar District. The petitioner claims title to the above mentioned property by a sale deed dated 27.06.1977. The petitioner cites the Adangal extract to establish interest in the relevant property.

2. The petitioner states that an application was made to the first respondent dated 12.12.2020 seeking survey and demarcation of the property. In spite of remitting the requisite fees, it is stated that no action was taken on the application.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the Tahsildar may be directed to consider and dispose of the petitioner's application on merits and in accordance with law.

4. The petitioner has enclosed the registered sale deed dated 27.06.1977. Upon perusal of the schedule thereto, it appears that the said sale deed is in respect of the property bearing Survey



No.472/B2 of an extent of 1102.5 square feet. The extract from the Adangal record is also enclosed. Such extract discloses that the owner of the property is the petitioner Society. Such Adangal extract also indicates Survey No.1595/69, which corresponds to old Survey No.472/B2. Based on these documents, the petitioner has made out a case for the consideration of the application for survey. Nonetheless, the owners of the adjoining properties should be put on notice since the conduct of a survey may have an impact on the boundaries of their properties.

5. Accordingly, without entering any findings on merits of the matter, the first respondent is directed to consider the petitioner's representation dated 23.08.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner and the owners of the adjoining properties whose boundaries may be affected by the conduct of the survey. The entire exercise shall be concluded within a period of three months from the date of receipt of a copy of this order either by completing the survey or by issuing a reasoned communication indicating reasons for refusal to do so.

6. W.P(MD).No.17970 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,
Watrap Taluk,
Virudhunagar District.

2. The Head Surveyor,
Taluk Office,
Watrap Taluk,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-31532[F] dated 07/10/2021)

W.P. (MD) No.17970 of 2021
05.10.2021

NSN(CO)

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