



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17895 of 2021

R.Vijayan

... Petitioner

Vs.

1.The Thasildar,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.

2.The Head Land Surveyor,
Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to measure the land in S.F.No.101/3A2 in Nanja land to extent of 0.9.50 Ares (23 Cents) at Kalugar Kadai Village, Thiruppuvanam Taluk, Sivagangai District based on petitioner's E-Challan dated 13.09.2021 within a time fixed by this Hon'ble Court.

For Petitioner : M/s.V.Karuna
For Respondents : Mr.B.Saravanan,
Counsel for State.

ORDER

The petitioner seeks a survey of the land bearing S.F.No.101/3A2 of an extent of 23 cents at Kalugar Kadai Village, Thiruppuvanam Taluk, Sivagangai District.

2. The petitioner claims title to the above mentioned property under a registered partition deed dated 30.08.1995. In particular, the petitioner asserts that Item No.9 of Schedule "B" to the said registered partition deed pertains to the allotment of the



above mentioned property to the petitioner. The petitioner also cites Patta No.1108, which is said to be in the name of the petitioner.

3. In order to measure the relevant property and fix the boundary stones, the petitioner applied for a survey of the property and also remitted the requisite fees in such regard. The present Writ Petition is filed in view of the alleged failure to take further action thereon.

4. Mr.B.Saravanan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the first respondent may be directed to consider and dispose of the petitioner's application for a survey within a reasonable time frame.

5. The petitioner has enclosed a copy of the registered partition deed dated 30.08.1995. As contended by the petitioner, Item No.9 of "B" Schedule thereto appears to relate to the property bearing Survey No.101/3A2 of an extent of 23 Cents. Patta No.1108 is also enclosed. Such patta has been issued to the petitioner, Vijayan, and pertains to the property bearing Survey No.101/3A2 of an extent of 0.9.50 Ares. On the basis of these documents, the petitioner has made out a case for the consideration of his request for survey. However, the adjoining land owners whose boundaries may be impacted by the conduct of a survey should be put on notice before a decision is taken on the petitioner's application.

6. Accordingly, without entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's application for a survey and initiate action in response thereto after providing a reasonable opportunity to the petitioner and to the owners of the 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 such survey or by issuing a reasoned order indicating reasons for refusal to do so.

7. W.P.(MD).No.17895 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/nsr

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Thiruppuvanam Taluk,
Thiruppuvanam,
Sivagangai District.
- 2.The Head Land Surveyor,
Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

+1 CC to M/s.V.KARUNA, Advocate (SR-31268[F] dated 05/10/2021)

+1 CC to M/s.SPL.GP (SR-31340[F] dated 06/10/2021)

W.P (MD) No.17895 of 2021
05.10.2021

MGJ(20.10.2021) 3P 6C