



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.18075 of 2021

WEB COPY

Muthuramalingam

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Thiruchendur Taluk,
Thoothukudi District.

2. The Deputy Taluk Surveyor,
Taluk Office,
Thiruchendur Taluk,
Thoothukudi District.

3. Latha

4. Prabhu

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to survey the petitioner's land, bearing Survey No.145/5, situating in Keeranoor Village, Authoor, Thiruchendur Taluk, Thoothukudi District and to fix its boundaries as per the revenue records by considering the petitioner's application dated 16.06.2021 and representation dated 07.09.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.N.Ramesh Arumugam

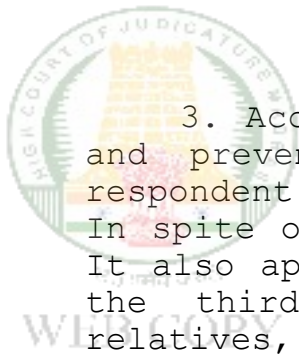
For Respondents : Mr.P.Subbaraj,

Counsel for the State for R1 and R2

O R D E R

The petitioner seeks a survey of the property bearing Survey No.145/5, Keeranoor Village, Authoor, Thiruchendur Taluk, Thoothukudi District.

2. The petitioner claims title to the above mentioned property under a registered sale deed dated 12.04.2021 executed by one K.Ramaraj in favour of the petitioner. The petitioner cites the earlier patta bearing No.1649 which relates to several survey numbers including Survey No.145/5. The petitioner also cites the subsequent Patta No.2006 which was issued to the petitioner in respect of Survey No.145/5.



3. According to the petitioner, in order to fence the property and prevent encroachment, the petitioner approached the first respondent on 16.06.2021 and requested that a survey be conducted. In spite of following up on the same, no action was taken thereon. It also appears that there is a dispute between the petitioner and the third and fourth respondents, who are the petitioner's relatives, with regard to the demarcation of the property. The present writ petition is filed in these facts and circumstances.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He states that the first respondent may be directed to consider and dispose of the petitioner's application for a survey on merits and in accordance with law.

5. The petitioner has enclosed the sale deed dated 12.04.2021 under which he purchased the property. The patta in favour of his vendor as well as the patta in his favour are enclosed. Patta No.2006, which is issued to the petitioner, pertains to the property bearing Survey No.145/5 of an extent of 0.1.50 Ares. This document appears to correspond to the sale deed dated 12.04.2021. On the basis of these documents, the petitioner has made out a case for the consideration of his representation. However, in view of the dispute between the petitioner and the third and fourth respondents, a reasonable opportunity should be provided to the third and fourth respondents before a decision is taken. In addition, the owners of the adjoining properties whose boundaries may be impacted by the conduct of the survey should also 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 application dated 16.06.2021 and representation dated 07.09.2021 and dispose of the same by a reasoned order within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the third and fourth respondents herein and the owners of the adjoining properties whose boundaries may be impacted by the conduct of the survey.

7. W.P(MD).No.18075 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)

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



To

1. The Tahsildar,
Taluk Office,
Thiruchendur Taluk,
Thoothukudi District.

2. The Deputy Taluk Surveyor,
Taluk Office,
Thiruchendur Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-31496[F] dated 07/10/2021)

W.P. (MD) No.18075 of 2021

06.10.2021

RD(22.10.2021) 3P 4C