



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18058 of 2021

J.Gangadharan

... Petitioner

Vs.

1. The Tahsildar,
Vadipatty Taluk,
Madurai District.

2. The Taluk Surveyor,
Tahsildar's Office,
Vadipatty Taluk,
Madurai District.

3. A.Padmarani

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey the petitioner's land to an extent of 10 cents or 4360 square feet comprised in Survey No.126/2 at Chinnamanayakanpatty Village, Vadipatty Taluk, Madurai District, based on the petitioner's application dated 23.08.2021.

For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.K.S.Selva Ganesan
Counsel for the State

ORDER

The petitioner seeks a direction to respondents 1 and 2 to survey and measure 10 cents or 4360 square feet in Survey No.126/2, Chinnamanayakanpatty Village, Vadipatty Taluk, Madurai District.

2. The petitioner claims title to the above mentioned property through a registered sale deed bearing Document No.833 of 2003 dated 05.11.2003. The Manaivari Thoraiya Patta issued in respect of the property bearing Survey No.126/2 is cited in this connection.

3. In order to construct a house in the said land, the petitioner states that preliminary work was undertaken. At such point, the third respondent attempted to obstruct work by claiming title to a portion of the petitioner's land. The petitioner asserts that the third respondent claims title to property bearing Survey No.126/3A, which is different from the property bearing Survey No.126/2. After submitting an application dated 23.08.2021 seeking a survey, the present writ petition is filed.



4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that the petitioner's application may be considered and disposed of on merits after providing a reasonable opportunity to the third respondent.

5. The petitioner has enclosed a copy of the registered sale deed dated 05.11.2003 under which he purchased the property. A copy of the Manaivari Thoraiya Patta is also enclosed. The said document indicates that the petitioner is the owner of the relevant property. The patta pertains to the property bearing Survey No.126/2 of an extent of 0.04.0 Ares. On the basis of this document, the petitioner has made out a case for the consideration of his representation. However, it appears that there is a dispute between the petitioner and the third respondent probably with regard to the boundaries of the respective properties. Consequently, the third respondent should be put on notice and provided a reasonable opportunity before a decision is taken on the conduct of the survey.

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

7. W.P(MD).No.18058 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,
Vadipatty Taluk,
Madurai District.

2. The Taluk Surveyor,
Tahsildar's Office,
Vadipatty Taluk,
Madurai District.

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



+1 CC to M/s.SPL.GP (SR-31551[F] dated 07/10/2021)

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-31837[F] dated
08/10/2021)

W.P. (MD) No.18058 of 2021
06.10.2021

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