



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18272 of 2021

A.Athimoolam

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Vadipatti,
Madurai District.

2.The Taluk Surveyor,
Taluk Office, Vadipatti,
Madurai District.

3.The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District. ...Respondents

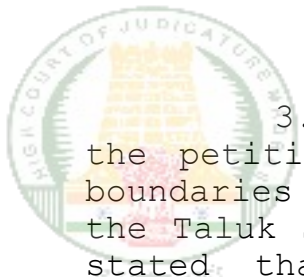
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents herein to conduct survey in the petitioner's family trust property in New Survey No.261/3 (Old Survey No.261/A2) in Alagapuri Village, Vadipatti Taluk and to fix boundaries for the same with the assistance of the third respondent Police by considering the petitioner's representation dated 20.09.2021.

For Petitioner : Mr.H.Arumugam
for Mr.M.Thirunavukkarasu
For Respondents : Mr.K.S.Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction to the respondents herein to conduct a survey of the petitioner's family trust properties bearing Survey No.261/3 (Old Survey No.261/2A2) in Alagapuri Village, Vadipatti Taluk.

2. The petitioner states that he is the Joint Managing Trustee of the Raju Thevar Trust. The said Trust is supposed to said to be a family Trust. The petitioner asserts that the property bearing Survey No.261/2A2 was purchased in the name of the Trust under a sale deed dated 17.08.2001. The petitioner also cites Patta No.1450 in respect of the property bearing Survey Nos.261/3 and 261/1E1.



3. In order to construct a Temple on the Trust property, the petitioner intended to carry out a survey so as to fix the boundaries thereof. When action was initiated in such regard and the Taluk Surveyor visited the site to carry out the survey, it is stated that adjacent land owners objected to the survey by contending that they have title to the relevant property. The petitioner states that the said persons did not produce any documents to establish title or possession over the relevant property. Therefore, the petitioner has requested for a survey with the assistance of the police.

4. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the first respondent may be directed to consider the petitioner's request for survey after putting any rival claimants on notice.

5. The petitioner has produced a copy of the sale deed dated 17.08.2001. A copy of the Trust Deed is also on record. In addition, Patta No.1450 is on record. Such patta reflects the name of the Raju Thevar Family Trust as the owner of the property. It covers two survey numbers including Survey No.261/3 which is relevant for purposes of this case. Based on these documents, the petitioner has made out a case for the consideration of the application for survey, albeit after putting the owners of adjoining properties on notice since the conduct of a survey may have an impact on their boundaries. In case the adjoining land owners, including Karupusamy and Periyasamy Thevar, assert title over the property, the first respondent should call upon them to produce documents to substantiate such contention.

6. Subject to the above observations, W.P.(MD).No.18272 of 2021 is disposed of by directing the first respondent to act on the petitioner's representation dated 20.09.2021 after providing a reasonable opportunity to the petitioner 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. There will be no order as to costs.

Sd/-

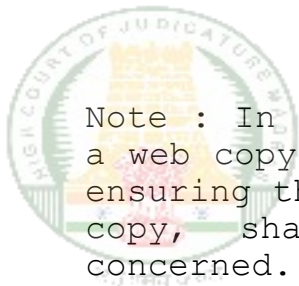
Assistant Registrar (Crl.Side)

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/ /2021

Sub Assistant Registrar(CS)

tsg/nsr



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.

WEB COPY

To

- 1.The Tahsildar,
Taluk Office,
Vadipatti,
Madurai District.
- 2.The Taluk Surveyor,
Taluk Office, Vadipatti,
Madurai District.
- 3.The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai District.

**W.P (MD) No.18272 of 2021
08.10.2021**

ES (CO)
GC(25.10.2021) 3P 4C