



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD)No.18199 of 2021

M.Raja

... Petitioner

Vs.

1.The Land Surveyor,
Land Survey Department,
O/o. The Tahsildar Office,
Vadipatti Taluk,
Madurai District.

2.The Tahsildar,
Vadipatti Taluki,
Madurai District.

3.The Superintendent of Police,
Samayanallur Police Station,
Madurai District.

4.The Inspector of Police,
Kaadupatti Police Station,
Madurai District.

5.T.Kasilingam

6.D.Ilangovan

7.R.Ganesan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first and second respondents to measure, demark the petitioner's property in Survey Nos.601/10B and 602/4C, total extent of seven ares, situated at Melakkaal Village, Vadipatti Taluk, Madurai District in the light of the necessary payment paid by the petitioner, with the help of the fourth respondent to give adequate police protection till the completion of the measuring the above said properties.

For Petitioner : Mr.A.Ramesh

For R-1 to R-4 : Mr.P.Subbaraj

Counsel for State



ORDER

The petitioner seeks a direction to the first and second respondents to measure and demarcate the property bearing Survey Nos.601/10B and 602/4C of a total extent of seven Ares at Melakkaal Village, Vadipatti Taluk, Madurai District.

2. The petitioner traces title to the property under a registered partition deed bearing Document No.1904/1985. It is stated that the revenue records were mutated in favour of the petitioner pursuant to the above mentioned partition. Patta No.1513 is cited in this regard.

3. In order to erect a fence around the property, the petitioner approached the first and second respondents. Pursuant thereto, the first and second respondents initiated action to conduct a survey. However, in view of the objections of respondents 5 to 7, the survey was not completed. 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 respondent's 1 to 4. He submits that the second respondent may be directed to consider the petitioner's request for survey after providing a reasonable opportunity to the petitioner and the private respondents herein.

5. The petitioner has enclosed a copy of Patta No.1513. The said patta stands in the name of the petitioner and pertains to seven survey numbers, including Survey Nos..601/10B and 602/4C. However, the petitioner has not produced a copy of the registered partition deed bearing Document No.1904/1985, although reference is made thereto in the affidavit filed in support of the Writ Petition. Consequently, the petitioner should produce a copy of such registered partition deed before the second respondent before a decision is taken on the petitioner's request for survey. In addition, the private respondents herein as well as the owners of adjoining properties whose boundaries may be impacted by the conduct of a survey should be put on notice.

6. Subject to the above observations but without entering any findings on the merits of the matter, the first and second respondents are directed to consider the petitioner's applications dated 06.09.2021 and 16.09.2021 and take a reasoned decision thereon after providing a reasonable opportunity to the petitioner, respondents 5 to 7 herein and the owners of adjoining properties whose boundaries may be impacted by the conduct of a survey. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.



7. Accordingly, W.P.(MD).No.18199 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

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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.

To

- 1.The Land Surveyor,
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- 2.The Tahsildar,
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Madurai District.
- 3.The Superintendent of Police,
Samayanallur Police Station,
Madurai District.
- 4.The Inspector of Police,
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Madurai District.

+1 CC to M/s.SPL.GP (SR-31973[F] dated 11/10/2021)

W.P (MD) No.18199 of 2021
08.10.2021

MGJ(26.10.2021) 3P 6C