



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.18164 of 2021

WEB COPY

Subramanian Aasari

... Petitioner

Vs.

1. The Tahsildar,
Thisaiyanvilai Taluk,
Tirunelveli District.

2. The Taluk Surveyor,
Thisaiyanvilai Taluk,
Thisaiyanvilai,
Tirunelveli District.

3. The Village Administrative Officer,
Thisaiyanvilai Village,
Thisaiyanvilai Taluk,
Tirunelveli District.

... Respondents

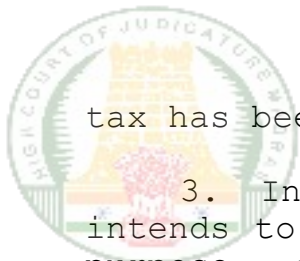
Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey the land in Survey No.49/13, Thisaiyanvilai Village, Thisaiyanvilai Taluk, Tirunelveli District to an extent of 0.02.36 hectares and fix the four boundaries on the basis of the petitioner's representation dated 07.09.2021.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.P.Subbaraj
Counsel for the State

O R D E R

The petitioner seeks a survey of the land bearing Survey No.49/13, Thisaiyanvilai Village, Thisaiyanvilai Taluk, Tirunelveli District of an extent of 0.02.36 Hectares.

2. The petitioner claims title to the above mentioned property under a registered sale deed dated 18.07.2008, bearing Document No.1975 of 2008. Pursuant to such purchase, the petitioner states that he applied for a mutation of the patta. Upon such request, a Natham Nilavari Thitta Thooya Chitta was issued to him. The said document is cited in support of the petitioner's claim over the property. The petitioner also points out that the requisite property



tax has been remitted.

3. In order to construct a compound wall, the petitioner intends to demarcate the property and mark the boundaries. For such purpose, an application to survey the land was submitted on 07.09.2021 by also remitting the requisite fees. The present writ petition is filed in view of the alleged failure of the respondents to take action thereon.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the Tahsildar may be directed to consider the petitioner's application for survey and dispose of the same on merits and in accordance with law.

5. The petitioner has enclosed a copy of the registered sale deed in his favour. The schedule to the said document indicates that it pertains to Survey No.49/13. The Natham Nilavari Thitta Thooya Chitta is also enclosed. The said document has been issued to the petitioner and pertains to Survey No.49/13. On the basis of these documents, the petitioner has made out a case for the consideration of his application for survey. However, the owners of the adjoining properties whose boundaries may be impacted by the conduct of the survey should be put on notice.

6. Accordingly, without entering any findings on the merits of the matter, the first respondent is directed to consider the petitioner's representation dated 07.09.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner and the owners of the adjoining properties whose boundaries may be impacted by the conduct of the survey. The entire exercise shall be concluded within a period of three months from the date of receipt of a copy of this order either by concluding the survey or by issuing a reasoned order indicating the reasons for refusing to do so.

7. W.P(MD).No.18164 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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To

1. The Tahsildar,
Thisaiyanvilai Taluk,
Tirunelveli District.

2. The Taluk Surveyor,
Thisaiyanvilai Taluk,
Thisaiyanvilai,
Tirunelveli District.

3. The Village Administrative Officer,
Thisaiyanvilai Village,
Thisaiyanvilai Taluk,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-31768[F] dated 08/10/2021)

W.P. (MD)No.18164 of 2021

07.10.2021

RD(25.10.2021) 3P 5C