



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2021

CORAM

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P. (MD)No.18612 of 2021

WEB COPY

T.Sundaramurthy

... Petitioner

Vs.

1.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

2.Taluk Head Surveyor,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 07.09.2021 and to conduct survey of the land and earmark the four boundaries in Survey No.2819/3 on the northern side land and Survey No.2819/3 on the northern eastern side land in Srivilliputhur Village and Taluk, Virudhunagar District within the time limit that may be fixed by this Court.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy
For Respondents : Mr.P.Subbaraj,
Counsel for the State for R2.

O R D E R

The petitioner seeks a survey of the land bearing Survey No.2819/3 in Srivilliputhur Village and Taluk, Virudhunagar District.

2. The petitioner states that his father purchased the above mentioned property by a registered sale deed dated 01.07.1978 bearing Document No.1353 of 1978. It is further stated that another extent of property under the same survey number was also bought by his father. The petitioner points out that his father died on 30.09.2012 leaving behind his mother, sisters and himself. The petitioner cites a gift settlement deed dated 16.07.2018 by which his sisters settled their share in the property in favour of the petitioner. He also relies upon the "Manaivari Thoraya Patta" issued in his name.

3. The petitioner states that he commenced construction of a house on his property. In view of objections raised by neighbours,
<https://hcservices.ecourts.gov.in/hcservices/>



it became necessary to survey the land and earmark the four boundaries thereof. For such purpose, the petitioner submitted an application on 07.09.2021 and has filed the present writ petition because the survey was not completed pursuant to the application.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the second respondent. He submits that the Tahsildar is the authority authorised to take decisions with regard to the conduct of the survey.

5. The petitioner has enclosed a copy of the patta issued to him in respect of the property bearing Survey Nos.2819/3S (corresponding to old Survey No.2819/3) and 2819/3U (corresponding to old Survey No.2819/3). The gift settlement deed dated 16.07.2018 is also enclosed and this document indicates that the petitioner's sisters settled their share of the property in favour of the petitioner. Based on these documents, the petitioner has made out a case to consider his application for the conduct of the survey. However, as pointed out by learned counsel for the State, such application should be submitted to the jurisdictional Tahsildar.

6. Accordingly, W.P(MD).No.18612 of 2021 is disposed of by permitting the petitioner to submit an application to the jurisdictional Tahsildar for the conduct of the survey. Such application shall be submitted by enclosing the relevant documents within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the jurisdictional Tahsildar is directed to consider the said application and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and to the owners of adjoining properties whose boundaries may be affected by the conduct of the survey. Such reasoned order shall be issued within a period of three months from the date of receipt of the application from the petitioner. There will be no order as to costs.

Sd/-

Assistant Registrar (Per.Admn)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.



2.Taluk Head Surveyor,
Srivilliputhur Taluk,
Virudhunagar District.

+1 CC to M/s.M.KARTHIKAYA VENKITACHALAPATHY, Advocate (SR-32411[F]
dated 25/10/2021)

+1 CC to M/s.SPL.GP (SR-32231[F] dated 22/10/2021)

W.P. (MD) No.18612 of 2021

21.10.2021

CM(ASO)

GC/UV(08.11.2021) 3P 5C