



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.18278 of 2021

V.Senthilkumar

... Petitioner

Vs.

1.The Tahsildar,
Alangudi Taluk Office,
Alangudi,
Pudukottai District.

2.The Taluk Surveyor,
Alangudi Taluk Office,
Alangudi,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 06.08.2021 for carrying out measurement in respect of punja lands bearing Survey Numbers.142-14C and 146A-3A admeasuring an extent of 16 Ares situated at Neduvasal Keelpathi Village, Alangudi Taluk, Pudukottai District, within the time stipulated by this Court.

For Petitioner : Mr.D.R.Murugesan
For Respondents : Mr.P.Subbaraj,
Counsel for State

ORDER

The petitioner seeks a survey of the land bearing Survey Nos.142-14C and 146A-3A at Neduvasal Keelpathi Village, Alangudi Taluk, Pudukottai District.

2. The petitioner traces title to the above mentioned property through a partition deed in favour of his father. Pursuant thereto, it is stated that the petitioner's father executed a gift deed dated 30.04.2020 by which the property allotted to his father's share under the partition deed was settled in favour of the petitioner. The patta issued in the name of the petitioner is also cited in support of the relief prayed for.

3. The petitioner states that he submitted an application on 06.08.2021 seeking measurement of the relevant property. In spite of remitting the requisite charges for the same, it is stated that no action has been taken on the petitioner's application.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first



respondent may be directed to consider and dispose of the petitioner's application for survey within a reasonable time frame.

5. The petitioner has enclosed a copy of the gift deed dated 30.04.2020 in his favour. The said gift deed draws reference to the registered partition deed dated 04.12.1980, bearing Document No.2492/1980 by which his father was allotted the property which is subject matter of the gift deed. A copy of Patta No.2151 is also enclosed. Such patta has been issued to the petitioner and covers three survey numbers including Survey Nos.142/14C and 146/3A. On the basis of these documents, the petitioner has made out a case for the consideration of his application for survey. However, the adjoining land owners whose boundaries may be impacted by the conduct of such survey should be put on notice before a decision is taken.

6. For reasons set out above, W.P.(MD).No.18278 of 2021 is disposed of by directing the first respondent to consider the petitioner's application dated 06.08.2021 and initiate action on such basis 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 completed 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 (CS-I)

// True Copy //

/ /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 Tahsildar,
Alangudi Taluk Office,
Alangudi,
Pudukottai District.



2.The Taluk Surveyor,
Alangudi Taluk Office,
Alangudi,
Pudukottai District.

+1 CC to M/s.SPL.GP (SR-32070[F] dated
21/10/2021)

W.P (MD) No.18278 of 2021
20.10.2021

PS (CO)
KB (01.11.2021) 3P 4C