



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) .No.19064 of 2021

M.Sureshkumar

... Petitioner

Vs .

1.The District Collector,
Office at District Collectorate,
Madurai.

2.The Tahsildar,
West Taluk,
Viratipathu,
Madurai.

3.The Taluk Surveyor,
West Taluk,
Viratipathu,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 2 and 3 to survey the land and demarcate the boundaries of land based on the petitioner's application dated 17.09.2021 in respect of the property in Re-survey No.57-11A2 for the total extent of 5279 sq.ft. in flat Nos.22 and 23 as per the Patta in No.1200 situated at Kelakuilkudi Village, South Taluk, Madurai District.

For Petitioner : Mr.P.Venkatesan

For Respondents : Mr.P.Subbaraj

Counsel for State

ORDER

The petitioner seeks a survey of the property bearing Re-survey No.57-11A2 of a total extent of 5279 sq.ft. at Kelakuilkudi Village, South Taluk, Madurai District.

2.The petitioner claims title to the said property under a registered sale deed dated 18.02.2011, bearing Document No.19064 of 2021. The petitioner cites Patta No.1200 in support of



the claim in respect of the property.

3. In order to construct a house on the said property, the petitioner intends to carry out a survey. In spite of submitting an application on 17.09.2021, it is stated that no action was taken. The present writ petition is filed in the said facts and circumstances.

4. Mr. P. Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. On written instructions, he submits that the second respondent is ready and willing to undertake the survey and complete the same within a reasonable time frame.

5. The petitioner has enclosed a copy of the sale deed dated 18.02.2011. The patta issued to the petitioner is on record. The said patta is in respect of the property bearing S.No.57-11A2 of an extent of 2.76 ares. On the basis of these documents, the petitioner has made out a case for the consideration of the request for survey. However, the owners of adjoining properties whose boundaries may be impacted by the conduct of a survey should be put on notice.

6. Accordingly, W.P.(MD)No.19064 of 2021 is disposed of by directing the second respondent to consider the petitioner's application dated 17.09.2021 and initiate action on such basis. For such purpose, the second respondent shall provide a reasonable opportunity to owners of adjoining properties whose boundaries may be affected by the conduct of a survey. The entire exercise shall be concluded within a period of two (2) months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sjj

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 District Collector,
Office at District Collectorate,
Madurai.

2.The Tahsildar,
West Taluk,
Viratipathu,
Madurai.

3.The Taluk Surveyor,
West Taluk,
Viratipathu,
Madurai.

+1 CC to M/s.P. VENKATESAN, Advocate (SR-32902[F]dated 27/10/2021)

+1 CC to M/s.SPL.GP (SR-33012[F] dated 28/10/2021)

W.P (MD) .No.19064 of 2021
27.10.2021

RD/PM (12.11.2021) 3P 6C