



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.19187 of 2021

Durai Singam

... Petitioner

Vs.

1.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

2.The Head Surveyor,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conclude the survey of the property in Survey No.127/3A measuring 0.49.5 Hectares equivalent to 1 Acre 22 Cents in Maniyakarampatti Village, Pudhur Panchayat Union, Vilathikulam Taluk, Thoothukudi District and fix the boundary lines within a time frame that may be stipulated by this Court.

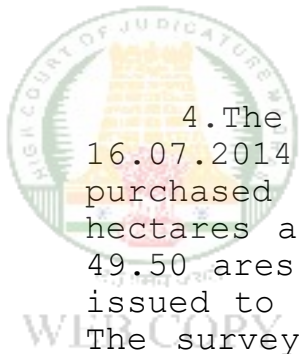
For Petitioner	: Mr.T.R.Jeyapalam
For Respondents	: Mr.K.S.Selva Ganesan, Counsel for the State.

O R D E R

The petitioner seeks a survey and the fixation of boundaries in respect of the property bearing Survey No.127/3A of an extent of 49.5 ares at Maniyakarampatti Village, Pudhur Panchayat Union, Vilathikulam Taluk, Thoothukudi District.

2.The petitioner claims title to the above mentioned property under a registered sale deed dated 16.07.2014 executed by one Paulraj in his favour. Patta No.668 is also cited by the petitioner. In spite of submitting an application seeking survey on 19.04.2021 by remitting the requisite charges, it is stated that such survey was not undertaken. The present writ petition is filed in these facts and circumstances.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to consider the petitioner's application for survey after putting the adjoining land owners on notice.



4.The petitioner has enclosed a copy of the sale deed dated 16.07.2014. The schedule thereto indicates that the petitioner has purchased the property bearing Survey No.109 of an extent of 1.03 hectares and the property bearing Survey No.127/3A of an extent of 49.50 ares. Patta No.668 is also on record. The said patta has been issued to the petitioner and pertains to Survey Nos.109 and 127/3A. The survey is requested in respect of the property bearing Survey No.127/3A. On the basis of these documents, the petitioner has made out a case for the consideration of his application for survey. As pointed out by learned counsel for the State, notice should be given to all the adjoining land owners whose boundaries may be impacted by the conduct of the survey.

5.Accordingly, W.P(MD).No.19187 of 2021 is disposed of by directing the first respondent to consider the petitioner's application for survey and initiate action on such basis after providing a reasonable opportunity to the petitioner and to the owners of 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. There will be no order as to costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To

1.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

2.The Head Surveyor,
Vilathikulam Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-33213[F] dated 29/10/2021)

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-33143[F] dated 29/10/2021)

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SAR(CO)

RS/PM (16.11.2021) 2P 5C

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