



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 26.11.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**W.P(MD)No.21128 of 2021**

N.Muthusamy

... Petitioner

Vs.

1.The District Revenue Officer  
Office of the District Revenue Officer  
Sivagangai District.

2.The Tahsildar  
Kalaiyarkovil Taluk Office,  
Kalaiyarkovil  
Sivagangai District.

3.The Taluk Surveyor  
Kalaiyarkovil Taluk,  
Kalaiyarkovil,  
Sivagangai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to conduct the survey and fix the boundary stones in respect of the property comprised in S.No.167/5C and Water Channel (Kulakkal) situated at Poruppanenthal Village, Kalaiyarkovil Taluk, Sivagangai District on the basis of petitioner's representation dated 13.09.2021, with in the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.N.Satheesh Kumar

Additional Government Pleader

### **O R D E R**

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The writ petition has been filed in the nature of a Mandamus seeking a direction against the respondents 2 and 3 to conduct a survey with respect to the property in Survey No.167/5C, at Poruppanenthal Village, Kalaiyarkovil Taluk, Sivagangai District. The petitioner had given a representation on 13.09.2021.



3. In the representation and also in the relief sought in the writ petition, the petitioner has stated that a survey should also be conducted with respect to water channel (Kulakkal) at the said village. That relief cannot be granted by this Court, primarily because, it is stated that there are various other encroachers, who have also been issued with patta. If any relief is to be granted of that nature, then the writ petitioner will have to implead those individuals and convert this writ petition as a 'Public Interest Litigation'.

4. The learned counsel for the petitioner however, stated that he would restrict the relief to conducting survey over Survey No.167/5C alone.

5. If that is the case, then the petitioner should file necessary application through online and also pay the necessary charges and also indicate the exact survey number namely, 167/5C, establish how he is entitled for that property and thereafter, on receipt of such application, the second respondent/Tahsildar may examine the application, enquire the petitioner, enquire other residents in that area and thereafter, take a decision to either grant of patta or refuse to grant of patta. The decision is left entirely to the wisdom of the second respondent. The second respondent should pass necessary orders within a period of sixteen (16) weeks from the date of receipt of fresh application through online in accordance with the procedure by the petitioner.

6. With the said observations, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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**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 Revenue Officer  
Office of the District Revenue Officer  
Sivagangai District.

2.The Tahsildar  
Kalaiyarkovil Taluk Office,  
Kalaiyarkovil  
Sivagangai District.

3.The Taluk Surveyor  
Kalaiyarkovil Taluk,  
Kalaiyarkovil,  
Sivagangai District.

+1 CC to M/s.G.GANGAI AMARAN, Advocate ( SR-36257[F] dated  
29/11/2021 )

+1 CC to M/s.SPL GP ( SR-36310[F] dated 29/11/2021 )

**W.P (MD) No.21128 of 2021**  
**26.11.2021**

VK(CO)  
SB(10.12.2021) 3P 6C