



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.21685 of 2021

Rethinam

... Petitioner

Vs.

1. The Tahsildar,
Thovalai Taluk,
Kanyakumari District.

2. The Taluk Surveyor,
Thovalai Taluk,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondents to survey and marked the boundaries of the property in Survey No.601/3B of Thovalai Village, Thovalai Taluk, Kanyakumari if necessary by seeking assistance of police within a time frame that may be fixed by this Court by considering the representation of the petitioner dated 13.11.2021.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents to survey and mark the boundaries of the property in Survey No.601/3B of Thovalai Village, Thovalai Taluk, Kanyakumari District.

2. Mr.S.Kameswaran, learned Government Advocate takes notice for the respondents.

3. The writ petitioner had been involved in a civil suit for partition and separate possession in O.S.No.377 of 2010. It is claimed by Mr.S.C.Herold Singh, learned counsel for the petitioner that the property had been partitioned and also demarcated into separate portions and the petitioner is in possession of the demarcated portion.

4. It is also stated by the learned counsel that a separate patta had also been issued. Similarly, other co-owners are also enjoying the respective shares. The petitioner had given a representation seeking to survey the property and mark the boundaries. It is informed that on 11.08.2021, the date was fixed for conducting such survey but could not been done.



5. A direction is given to the Tahsildar/the first respondent and also to the Taluk Surveyor/the second respondent to examine the representation given by the petitioner and if charges are to be paid, call upon the petitioner to pay necessary charges and issue fresh notice to the petitioner and also to anybody else who are directly or indirectly interested in the survey of the lands of the petitioner and thereafter, proceed to do the needful. The entire exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Nsr/Lm

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,
Thovalai Taluk,
Kanyakumari District.

2. The Taluk Surveyor,
Thovalai Taluk,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-38115[F] dated 10/12/2021)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-38156[F] dated 10/12/2021)

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