



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3403 of 2022

K.Gunaseelan

... Petitioner

/Vs./

1.The Tahsildar,
Killiyur Taluk,
Kanyakumari District.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to conduct re-survey and mark the boundaries of the property by sub-dividing the property and issue separate patta with regard to the property in New Survey No.618/8 admeasuring 8.365 cents in Paaloor Village, Killiyur Taluk, Kanyakumari District, by considering the representation of the petitioner dated 12.01.2022, within a time frame that may be fixed by this Court, if necessary with police protection.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to conduct re-survey and mark the boundaries of the property by sub-dividing the property and issue separate patta with regard to the property in New Survey No.618/8 admeasuring 8.365 cents in Paaloor Village, Killiyur Taluk, Kanyakumari District, by considering the representation of the petitioner dated 12.01.2022 within a time frame to be fixed by this Court.

2.The petitioner has submitted a representation to the respondents on 12.01.2022 seeking for re-survey and demarcation of boundaries in respect of the aforementioned property, which he claims that it belongs to him absolutely. Since the said representation has not been considered till date, this writ petition has been filed.



3.Heard Mr.S.C.Herold Singh, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.The petitioner has produced documents in support of his case that he is the owner of the aforementioned property. He has sought for a survey and fixation of boundaries by the appointment of a Surveyor and the petitioner has given a representation on 12.01.2022 for the said purpose.

5.No prejudice would be caused to the respondents, if the representation of the petitioner dated 12.01.2022 is considered on merits and in accordance with law, after hearing the petitioner as well as the rival claimants, if any.

6.Accordingly, this Court directs the second respondent to survey and fix the boundaries in the petitioner's property in New Survey No.618/8 admeasuring 8.365 cents in Paaloor Village, Killiyur Taluk, Kanyakumari District, after giving notice to the petitioner and rival claimants, if any, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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 Tahsildar,
Killiyur Taluk,
Kanyakumari District.

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



+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-8254[F] dated 24/02/2022)

+1 CC to M/s.SPL GP (SR-8358[F] dated 24/02/2022)

WEB COPY

W.P.[MD]No.3403 of 2022

Dated:

23.02.2022

RK(11/03/2022) 3P 5C