



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5957 of 2022

G.Palanisamy

... Petitioner

/Vs./

1.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

2.The Taluk Head Surveyor,
Dindigul West Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to survey the land comprised in S.No.1251 in Patta No.3345 of Agaram Village, Thadikombu, Dindigul District, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.Mohammed Ashik Jaman
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 survey the land comprised in S.No.1251 in Patta No.3345 of Agaram Village, Thadikombu, Dindigul District, on the basis of the petitioner's application dated 08.11.2021, within a time frame to be fixed by this Court.

2.According to the petitioner, he is the absolute owner of the aforementioned property. It is his case that patta stands in the name of his mother and her brothers. According to him, his maternal uncles are missing since independence and their whereabouts are also not known. His mother, Chinnammal died on 20.09.1964 and after her demise, he has become the absolute owner of the aforementioned property and is in possession of the same. Since the neighbours are creating trouble and attempting to encroach upon the petitioner's property, he has sought for survey and demarcation of boundaries by submitting an application with the respondents on 08.11.2021. Several representations have also been given by the petitioner and the last such representation was given on 14.03.2022 requesting the respondents to survey and demarcate the boundaries for the aforementioned property. Since the representations have not been considered till date, the petitioner has filed this writ petition.



3. Heard Mr. Mohammed Ashik Jaman, learned Counsel for the writ petitioner and Mr. D. Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. The learned counsel appearing for the petitioner also submits that police assistance is required since the neighbouring land owners are creating trouble. The said statement is recorded.

5. No prejudice would be caused to the respondents, if the survey and demarcation of boundaries for the aforementioned property is done in the presence of the petitioner and other necessary parties, whom the respondents deem fit to put on notice, which include the neighbouring land owners also.

6. The petitioner has also filed a copy of the patta No. 3345 standing in the name of his mother and his maternal uncles for the subject property. His mother died on 20.09.1964 and the whereabouts of the petitioner's maternal uncles are also not known. Eversince independence, they are missing.

7. For the foregoing reasons, this Court directs the first respondent to conduct survey with the assistance of the second respondent and demarcate the boundaries of the property comprised in S.No. 1251 in Patta No. 3345 of Agaram Village, Thadikombu, Dindigul District, in the presence of the petitioner and other necessary parties, whom the first respondent deems fit to put on notice, which include the neighbouring land owners, within a period of twelve [12] weeks from the date of receipt of a copy of this order. In case the first respondent requires police assistance, he shall obtain the same from the concerned jurisdictional Police Station.

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

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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To

1. The Tahsildar,
Dindigul West Taluk, Dindigul District.

2. The Taluk Head Surveyor,
Dindigul West Taluk, Dindigul District.

+1 CC to M/s. MOHAMMED ASHIK JAMAN, Advocate (SR-15991[F] dated 01/04/2022)

+1 CC to M/s. SPL GP (SR-16318[F] dated 04/04/2022)

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