



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.5922 of 2022

and

W.M.P. [MD]No.4649 of 2022

WEB COPY

R.Kannan

... Petitioner

Vs.

1.The Tahsildar,
Theni Taluk,
Theni District.

2.The Firka Surveyor,
Theni Taluk,
Theni District.

3.R.Gandhi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to conduct survey and fix boundaries in respect of the survey No.415/4B situated at Koduvilarpatti Village, Theni Taluk, Theni District through the partition deed in Document No.2925 of 2004 dated 16.06.2004 along with my brothers and Patta No.5698 issued by the first respondent complying the circular in R.C.No.Q5/20403/2020 dated 15.03.2021 issued by the commissioner of survey and settlement based on the petitioner's representation dated 20.03.2022 and considering the required fees paid on 28.01.2022.

For Petitioner : Mr.A.Mithun Chakravarthi

For Respondents 1 & 2 : Mr.T.Amjad Khan

Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to conduct survey and fix boundaries in respect of survey No.415/4B situated at Koduvilarpatti Village, Theni Taluk, Theni District based on the petitioner's representation dated 20.03.2022, within a time frame to be fixed by this Court.

2.The petitioner has submitted a representation to the respondents on 20.03.2022 seeking for 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.A.Mithun Chakravarthi, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

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 20.03.2022 for the said purpose.

5.No prejudice would be caused to the respondents if the representation of the petitioner dated 20.03.2022 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 Survey No.415/4B situated at Koduvilarpatti Village, Theni Taluk, Theni 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. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The Tahsildar,
Theni Taluk, Theni District.

2.The Firka Surveyor,
Theni Taluk, Theni District

+1 CC to M/s.A.MITHUN CHAKRAVARTHI, Advocate (SR-16166[F] dated 01/04/2022)

+1 CC to M/s.SPL GP (SR-16325[F] dated 04/04/2022)

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