



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7054 of 2022

WEB COPY

R.Mariappan

... Petitioner

/Vs./

1.The Commissioner,
Sankaran Kovil Municipality,
Sankaran Kovil,
Thenkasi District.

2.The Town Surveyor,
Sankarankovil Municipality,
Sankarankovil,
Thenkasi 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 petitioner's land to an extend of 39 Cents situated in Survey Nos.277/A and 272 in Patta No.544 at Sankaran Kovil Town, Thenkasi District and lay boundary stones, based on petitioner's father, namely R.Ravi's representation dated 10.08.2021 within the time limit that may be stipulated by this Court.

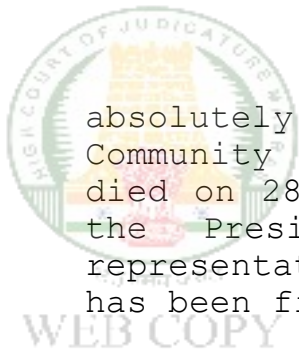
For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.P.Mahendran
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to survey the land measuring to an extent of 39 cents situated in Survey Nos.277/A and 272 in Patta No.544 at Sankaran Kovil Town, Thenkasi District and lay boundary stones, based on the petitioner's father, namely R.Ravi's representation dated 10.08.2021, within a time frame to be fixed by this Court.

2.The petitioner's father has submitted a representation to the respondents on 10.08.2021 seeking for survey and demarcation of boundaries in respect of the aforementioned property, which he claims that it belongs to Sri Bathrakali Amman Sri Mariamman Temple



absolutely. The petitioner's father was the President of Kaatunaiken Community and the Poosari of the aforesaid temple. Thereafter, he died on 28.02.2022 and hence, the petitioner has been appointed as the President of Kaatunaiken Community. Since the said representation has not been considered till date, this writ petition has been filed by the petitioner.

3.Heard Mr.D.Selvanayagam, learned Counsel for the writ petitioner and Mr.P.Mahendran, learned Standing Counsel, who accepts notice on behalf of the respondents.

4.The petitioner has produced documents in support of his case that the aforementioned property is owned by the aforesaid temple. He has sought for survey and fixation of boundaries by the appointment of a Surveyor. The petitioner's father has given an application on 10.08.2021 for the said purpose and he has already paid the necessary charges for survey.

5.No prejudice would be caused to the respondents, if the representation of the petitioner's father dated 10.08.2021 is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as the rival claimants, if any.

6.Accordingly, this Court directs the second respondent to survey the petitioner's land measuring to an extent of 39 cents situated in Survey Nos.277/A and 272 in Patta No.544 at Sankaran Kovil Town, Thenkasi District and lay boundary stones, 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 (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Commissioner,
Sankaran Kovil Municipality,
Sankaran Kovil,
Thenkasi District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Town Surveyor,
Sankarankovil Municipality,
Sankarankovil,
Thenkasi District.

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-19133[F] dated
18/04/2022)

+1 CC to M/s.P. MAHENDRAN, Advocate (SR-19433[F] dated 19/04/2022)

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13.04.2022

RD(11.05.2022) 3P 5C