



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.7971 of 2022

A.Jaleel

... Petitioner

vs.

1.The Tahsildar, Tenkasi Taluk, Tankasi.

2.The Surveyor, Tenkasi Taluk, Tenkasi. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2, to survey and sub-divide the land in S.Nos. 194/2 and 195/1, situated in Sivasailam Village, Tenkasi Taluk and District and fix the boundary by considering petitioner's application, vide payment of Challan dated 03.08.2021 within a time fixed by this Court.

For Petitioner :Mr.P.P.Alwin Balan

For Respondents :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 respondents 1 and 2, to survey and sub-divide the land in S.Nos. 194/2 and 195/1, situated in Sivasailam Village, Tenkasi Taluk and District and fix the boundary on the basis of the petitioner's representation dated 03.08.2021, within a time frame to be fixed by this Court.

2.The petitioner has submitted a representation to the respondents on 03.08.2021 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.P.P.Alwin Balan, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate, 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 survey and fixation of boundaries by the appointment of a Surveyor and the petitioner has given a representation on 03.08.2021 for the said purpose.



5.No prejudice would be caused to the respondents, if the survey and demarcation of the boundaries is done in the presence of the petitioner and any other necessary party, whom the respondents deem fit to put on notice at the time of survey.

6.It is brought to the knowledge of this Court by the learned Government Advocate that survey and demarcation can be done only after the petitioner removes the thorny bushes found in the subject land. The learned Counsel for the petitioner, on instructions, would submit that the petitioner is willing to remove the thorny bushes to enable the respondents to conduct survey. The said undertaking is recorded.

7.Accordingly, this Court directs the petitioner to remove the thorny bushes in the subject land to enable the respondents to conduct survey within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the respondents are directed to conduct survey and fix the boundaries in the petitioner's property in S.Nos. 194/2 and 195/1, situated in Sivasailam Village, Tenkasi Taluk and District, after giving notice to the petitioner and any other necessary party, whom the respondents deem fit to put on notice at the time of survey, within a period of twelve [12] weeks thereafter.

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

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Tahsildar, Tenkasi Taluk, Tankasi.

2.The Surveyor, Tenkasi Taluk, Tenkasi.

+1 CC to M/s.P.P.ALWIN BALAN, Advocate (SR-21822[F] dated 27/04/2022)

+1 CC to M/s.SPL GP. (SR-21273[F] dated 26/04/2022)

W.P. (MD)No.7971 of 2022

25.04.2022

MGJ(10.05.2022) 2P 5C

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