



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8527 of 2022

L.A.Kumaraswamidhas

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Padmanabhapuram,
Kanniyakumari District.

2.The Tahsildar,
Kalkulam Taluk,
Kanniyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to conduct survey subdivide and put up survey stone demarcating the petitioners property to an extent of 87 cents in Resurvey Nos. C9-14/1 and C9-14/6 of Kalkulam Village, Kalkulam Taluk, Kanyakumari District, within the time stipulated by this Court.

For Petitioner : Mr.A.S.Abul Kalam Azad for
M/s.Spicy Law Firm

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for survey and demarcation of the petitioner's property to an extent of 87 cents in Resurvey Nos. C9-14/1 and C9-14/6 of Kalkulam Village, Kalkulam Taluk, Kanyakumari District, within the time frame to be fixed by this Court.

2.Heard Mr.A.S.Abul Kalam Azad, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

3.The petitioner claims ownership of the aforementioned property by virtue of two Wills, dated 07.05.2000 and 27.03.2003. Both the said Wills are registered Wills. According to the petitioner, the genuineness of the Wills have also been confirmed by a judgment and decree passed in an Appeal suit No.28 of 2017 on 10.07.2020, passed by the Sub Court, Padmanabhapuram. Since there is a boundary dispute pertaining to 10 cents apart from 87 cents owned by the petitioner, he seeks for survey and demarcation of his boundaries. The petitioner has already given a representation on



18.04.2022 and has also paid the charges for survey and demarcation. Since the representation, has not been considered till date, he has filed this writ petition.

4.No prejudice will be caused to the respondents or any other party if survey and demarcation of boundaries is done in the presence of the petitioner and any other party, who opposes the claim of the petitioner that he is the owner of the 10 cents of land at Resurvey Nos.C9-14/1 and C9-14/6 of Kalkulam Village, Kalkulam Taluk, Kanyakumari District.

5.The petitioner claims that he is the owner of 87 cents, which is not in dispute and only in respect of 10 cents apart from 87 cents there is a boundary dispute.

6.For the foregoing reasons, this Court directs the second respondent to conduct survey and demarcate the boundaries of the land comprised in Resurvey Nos.C9-14/1 and C9-14/6 of Kalkulam Village, Kalkulam Taluk, Kanyakumari District, measuring and extent of 10 cents, which is in dispute, in the presence of the petitioner and any other necessary party, whom the second respondent deems fit to put on notice, within a period of twelve weeks from the date of receipt of a copy of this order with the assistance of the Surveyor.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The Revenue Divisional Officer,
Padmanabhapuram, Kanniyakumari District.

2.The Tahsildar,
Kalkulam Taluk, Kanniyakumari District.

+1 CC to M/s.SPL. GP (SR-22973[F] dated 29/04/2022)

W.P. (MD)No.8527 of 2022

28.04.2022

RD(24.05.2022) 2P 4C