



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD) Nos.10258 of 2022

WEB COPY

P.Velammal

.. Petitioner

Vs

1. The Tahsildar,
Kayathar Taluk,
Tuticorin.

2. The Taluk Surveyor,
Kayathar Taluk,
Tuticorin.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey and sub-divide the land in S.No.87/2 situated at Kayathar Taluk, Tuticorin District and fix the boundary by considering the petitioner's application vide payment of Challan dated 21.03.2022 within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to survey and sub-divide the petitioner's land measuring 4.89 Acre and 81 cents in Survey No.87/2, Kayathar Village, Kayathar Taluk, Tuticorin District.

2.The petitioner has submitted an application to the respondents on 21.03.2022, seeking for survey and subdivision in respect of the aforementioned property which he claims that it belongs to him absolutely. Since the said application has not been considered till date, this writ petition has been filed.

3.Heard Mr.H.Arumugam, learned Counsel for the writ petitioner and Mr.A.Kannan, learned Additional Government Pleader who accepts notice on behalf of the respondents.



4. The petitioner has produced documents in support of his case that she is the owner of the aforementioned property. She has sought for a survey and subdivision in respect of the aforementioned property by the appointment of a Surveyor and the petitioner has given an application on 21.03.2022 for the said purpose.

5. No prejudice would be caused to the respondents, if the application of the petitioner seeking survey and subdivision of the property is considered after due notice to the petitioner and any other necessary party, whom the respondents deem fit to put on notice at the time of survey, in accordance with law.

6. Accordingly, this Court directs the first respondent to survey and fix the boundaries of the petitioner's property measuring 4.89 Acre and 81 cents in Survey No.87/2, Kayathar Village, Kayathar Taluk, Tuticorin District, with the assistance of the second respondent after giving notice to the petitioner and any other necessary party, whom the first respondent deem fit to put on notice at the time of survey within a period of twelve [12] weeks from the date of receipt of a copy of this order. Insofar as the second limb of the prayer is concerned, i.e., to subdivide the petitioner's property, the first respondent is directed to consider the petitioner's application within a period of eight (8) weeks thereafter.

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

Sd/-
Vacation Officer (CS III).

// True Copy //

/ /2022
Sub Assistant Registrar (CS)

pkn

To

1. The Tahsildar,
Kayathar Taluk,
Tuticorin.
2. The Taluk Surveyor,
Kayathar Taluk,
Tuticorin.



+1 CC to M/s.SPL.GOVERNMENT PLEADER
(SR-24020[F] dated 23/05/2022)

+1 CC to M/s.H. ARUMUGAM, Advocate
(SR-24104[F] dated 23/05/2022)

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SP/01/06/2022/3P/5C