

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.09.2022**

**CORAM**

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)No.21621 of 2022**

R.Muthaiah

... Petitioner

Vs

1.The Tahsildar,  
Theni District.

2.The Head Surveyor,  
Theni District, Theni.

3.The Firka Surveyor,  
Veerapandi, Theni District.

4.N.Malaichamy

5.Pandi

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to survey and demarcate the properties in Plot Nos.401 and 402 in S.No.125/17, situated at Veerapandi Village, Palanichettiypatti, South Jeganathapuram, Theni District.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents 1 to 3 : Mr.D.Gandhiraj  
Special Government Pleader

**ORDER**

The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to survey and demarcate the properties in Plot Nos.401 and 402, in S.No.125/17, situated at Veerapandi Village, Palanichettiyapatti, South Jeganathapuram, Theni District.

2.Heard Mr.G.Prabhu Rajadurai, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 4 and 5 is dispensed with.

4.The learned counsel for the petitioner submits that Plot Nos.401 and 402 in S.No.125/17, measuring an extent of 2 cents each, situated at Veerapandi Village, Palanichettiyapatti, South Jeganathapuram, Theni District, were assigned to the petitioner's wife namely, Jeya and his brother namely, Karthikai, respectively, under the scheme to provide lands to landless poor and they raised thatched houses in the said plots. The learned counsel further submits that the

respondents 4 and 5 own Plot Nos.399 and 403 on either side of the petitioner's wife's and brother's plots and they constructed houses in their respective plots. Now, the petitioner intends to construct a brick house and in order to ascertain the boundaries and demarcate the plots, he submitted an application to the first respondent on 19.04.2022 along with necessary fees and copies of Patta to survey and demarcate the said plots. Since the petitioner's application was not considered, he sent a representation to the respondents 1 to 3 on 12.05.2022. Thereafter, on 10.06.2022, the second respondent forwarded the petitioner's application to the first respondent for taking necessary action on the same. Even though the petitioner sent a reminder on 08.07.2022 to the official respondents, there is deliberate inaction on their part. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 submits that appropriate direction may be given to the respondents 1 and 2 to consider the petitioner's application, dated 19.04.2022, in accordance with law, within a time frame.

6.Considering the limited scope of the prayer sought for by the petitioner, this Court directs the respondents 1 and 2 to consider the application of the petitioner, dated 19.04.2022 and after issuing notice to the petitioner, the respondents 4 and 5 and any other parties concerned, conduct survey in their presence and demarcate Plot Nos.401 and 402 in accordance with law and communicate the decision taken to the petitioner and others concerned, particularly, the respondents 4 and 5 herein. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

**13.09.2022**

Index : Yes/No  
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To

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Theni District.

2.The Head Surveyor,  
Theni District, Theni.

3.The Firka Surveyor,  
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**V.BHAVANI SUBBAROYAN, J.**

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