

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21731 of 2022

Murugan

... Petitioner

VS.

1.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam
Theni District.

2.The Firka Surveyor,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to conduct the survey of the petitioner's landed property comprised in Survey Nos. 1420/1, 1420/2, 1422/2 and 1422/3 situated at Periyakulam Registration District, Cumbum Sub-Registrar, Melagudalur Village, Pommaiyasamy Kovil Kulam, Uthamapalayam Taluk, Theni District and fix the boundaries within a time frame stipulated by this Court.

For Petitioner : Mr.M.Sivakumar
For Respondents : Mr.N.Ramesh Arumugan
Government Advocate

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to conduct survey of the petitioner's property comprised in Survey Nos.1420/1, 1420/2, 1422/2 and 1422/3, situated at Periyakulam Registration District, Cumbum Sub-Registrar, Melagudalur Village, Pommaiyasamy Kovil Kulam, Uthamapalayam Taluk, Theni District and fix the boundaries.

2. Heard Mr.M.Sivakumar, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that he is the owner of the lands in Survey Nos.1420/1, 1420/2, 1422/2 and 1422/3 situated at Periyakulam Registration District, Cumbum Sub-Registrar, Melagudalur Village,

Pommaiyasamy Kovil Kulam, Uthamapalayam Taluk, Theni District. He has purchased the above said lands from one Rajendran by registered sale deed bearing Document No.4628, on 28.10.2009. The Patta and the other revenue records stand in the name of the petitioner and he is in possession and enjoyment of the said lands right from 2009 onwards. Since the adjacent land owners are trying to encroach part of the petitioner's properties, he has submitted an application to the first respondent on 08.05.2017, for surveying the properties. He has also paid necessary fees to the treasury of the first respondent on 08.05.2017 and receipt has also been issued to him for surveying the properties. However, no survey has been conducted by the respondents. Therefore, the petitioner has sent a representation to the respondents on 29.08.2022, to survey his properties. Since no action has been taken by the respondents, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that it would suffice to issue direction to the respondents to consider the petitioner's representation, dated 29.08.2022.

5. The learned Government Advocate appearing for the respondents has no objection for such an order being passed by this Court.

6. Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the petitioner's representation dated 29.08.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

14.09.2022

Index:Yes/No
Internet:Yes/No

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To

1.The Tahsildar,
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Uthamapalayam
Theni District.

2.The Firka Surveyor,
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V.BHAVANI SUBBAROYAN,J.

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