



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.20728 of 2021

M. Piramu

... Petitioner

Vs

1.The Tahsildar,
Cheranmahadevi Taluk Office,
Tirunelveli,
Tirunelveli District.

2.The Head Surveyor,
Cheranmahadevi Taluk Office,
Tirunelveli,
Tirunelveli District.

3.Dharmaraj

4.Packiam

... Respondents

(Respondents 3 & 4 are impleaded
as per the order of this Court
dated 23.11.2022)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to carry out the survey and demarcate the petitioner's property comprised in Survey no.171/1, admeasuring of 70 Sq.Mt., in Plot No.9, situated at Kooniyur village, Cheranmahadevi Taluk, Tirunelveli District and to consider the petitioner's representation dated 18.09.2021 sent to the respondents through the registered post with acknowledgement cards in terms of Section 8(2) of Tamil Nadu Survey and Boundaries Act, 1923.



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For Petitioner : Ms.K.Abiya
For R1 & R2 : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the 2nd respondent to carry out the survey and demarcate the petitioner's property comprised in Survey no.171/1, admeasuring of 70 Sq.Mt., in Plot No.9, situated at Kooniyur village, Cheranmahadevi Taluk, Tirunelveli District and to consider the petitioner's representation dated 18.09.2021 sent to the respondents through the registered post with acknowledgement cards in terms of Section 8(2) of Tamil Nadu Survey and Boundaries Act, 1923.

2.Heard Mr.K.Abiya, learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondents.

3.The Petitioner's case is that the house site patta has been issued in favour of the petitioner's mother namely Aavudaiyammal on 04.10.1991 by the Tahsildar, Ambasamuthiram to an extent of 70 sq.meter. Then the petitioner's mother constructed the small house on its southern side and remaining portion is used as vacant site. The next of her property on its Eastern side, on Dharmaraj and his family is residing without any valid document. The petitioner's mother executed the



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registered Will in favour of the petitioner regarding the house property. After the demise of his mother, the house tax is also changed in the name of the petitioner. In the month of July, 2021 the petitioner tried to construct the compound wall and at that time, the Eastern side resident namely, Dharmaraj and his family members quarrelled with the petitioner that they are having land on Eastern side of petitioner's house. Hence, the criminal complaint also lodged against them before the Cheranmahadevi Police Station. Thereafter, the petitioner paid the amount for a sum of Rs.800/- as fee for surveying her property by the Firka Surveyor. On 14.09.2021 the Firka Surveyor came to the petitioner's property and measured without having any FMB and the sketch, even without showing the four boundaries of the property properly. In view of the above, the petitioner has sent the representation on 13.09.2021 to the respondents to measure the petitioner's property by the Taluk Head Surveyor against the survey of Firka Surveyor, Cheranmahadevi. Hence, the petitioner has approached this Court by way of filing the present writ petition for the above said relief.

4.The learned Government Advocate appearing for the respondents would submit that appropriate direction may be given to the respondents to survey the petitioner's property, in accordance with law, within a time frame.



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5.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the the respondents to conduct survey after giving notice to the parties concerned and in the their presence and demarcate the land in Patta No.171/1, admeasuring of 70 Sq.Mt., in Plot No.9, situated at Kooniyur village, Cheranmahadevi Taluk, Tirunelveli District by considering the application of the petitioner, dated 13.09.2021 and pass orders in accordance with law and communicate the decision taken by the respondents to the petitioner and others concerned. Such exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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