



W.P.(MD).No.22175 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22175 of 2022

V.Maduraiveeran

... Petitioner

vs.

1. The Tahsildar
Sivagiri Taluk,
Tenkasi District.

2. The Surveyor,
Sivagiri Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to conduct survey and measurement and mark the four boundaries as fixed by the competent authorities in Patta No.712 in the land comprised in Survey No.1265/8 situated at Vishvasubramaniapuram, Vishvanathaperi, Sivagiri Taluk, Tenkasi District.



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W.P.(MD).No.22175 of 2022

For Petitioner : Mr.K.Saravanan
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to conduct survey and measurement and mark four boundaries as fixed by the competent authorities in Patta No. 712 in the land comprised in Survey No.1265/8 situated at Vishvasubramaniapuram, Vishvanathaperi, Sivagiri Taluk, Tenkasi District.

2. The case of the petitioner is that his father died on 16.05.2018, leaving behind the petitioner, his elder brother and his mother. The petitioner's mother gifted the properties in S.Nos.1538/32, 1267/13, 1265/8 and 1538/31 by way of joint settlement deed to the petitioner and his brother. Patta No.712 stands in the name of the petitioner's father and his brother. While being so, somebody trying to encroach the land in



W.P.(MD).No.22175 of 2022

S.No.1265/8. Hence, the petitioner has made a representation to the respondents to conduct survey of the land in S.No.1265/8, as per the Patta No.712 stands in the name of the petitioner's father. Thereafter, on 03.11.2020, the second respondent has conducted the survey. But the survey was not conducted in a proper manner. Therefore, the petitioner has made an application to the respondents on 30.08.2022, to conduct fresh survey and mark four boundaries in Patta No.712. Since the said application was not considered by the respondents, the petitioner has approached this Court seeking direction to the respondents to conduct survey and mark four boundaries in S.No.1265/8 situated at Vishvasubramaniapuram, Vishvanathaperi, Sivagangai Taluk, Tenkasi District.

3. The learned Additional Government Pleader appearing for the respondents would submit that already the property in S.No.1265/8 was measured.



W.P.(MD).No.22175 of 2022

WEB COPY

4. On going through the averments made in the affidavit, there is no mention about the extent of land which has been inherited by the petitioner's father and also regarding the extent of land in S.No.1265/8 and the four boundaries of the said land, which has been inherited by the petitioner and his brother. The petitioner has stated that somebody trying to encroach upon the property in S.No.1265/8 and the police complaint was also given and the petitioner was not in a position to pinpoint it is his land and not able to show the four boundaries. But the petitioner has stated that he was threatened to sign as if the property was measured properly and the survey was conducted without following the procedure, without mentioning the four boundaries and the survey was conducted in an improper manner and it was no way helpful to identify the land in S.No.1265/8.

5. When the petitioner himself was not in a position to identify the property and when there is no information regarding the four boundaries of the land, which has been inherited by the petitioner by way of



W.P.(MD).No.22175 of 2022

WEB COPY

settlement from his mother, this Court is not inclined to accept the prayer sought for by the petitioner and directs the petitioner to give a fresh representation to the respondents by enclosing all the relevant documents, which would show the four boundaries of the land, which has been given to the petitioner and his brother by way of gift deed, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks.

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

28.09.2022

Index: Yes/No
Internet: Yes/No

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W.P.(MD).No.22175 of 2022

V.BHAVANI SUBBAROYAN,J.

akv

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W.P.(MD)No.22175 of 2022

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