



WEB COPY



W.P(MD)No.21328

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.21328 of 2021

N.Soundarrajan

..Petitioner

Vs

1.The Assistant Director,
Directorate of Survey and Settlement
Trichy-1.

2.The Tahsildar,
Lalgudi Taluk,
Lalgudi.

3.The Taluk Surveyor,
Lalgudi Taluk,
Lalgudi.

4.Sasikumar

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 08.02.2021 and survey and demarcate the boundaries of the petitioner's property measuring 135 square metres in Patta No.259 in S.No.143/1C4, Semabarai Village, Lalgudi Taluk, Trichy District.

For Petitioner :Mr.K.Prabhakar

For R1 to R3 :Mr.D.Gandhiraj
Special Government Pleader

For R4 :No appearance



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ORDER

The Petitioner has prayed for issuance of a Writ of Mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 08.02.2021 and survey and demarcate the boundaries of the petitioner's property measuring 135 square metres in Patta No.259 in S.No.143/1C4, Semabarai Village, Lalgudi Taluk, Trichy District.

2.Heard Mr.K.Prabhakar, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 to 3.

3.The Petitioner's case is that one Natarajan was possessed of extensive properties in Semabarai Village. He passed away in 2005. After his death, his wife Govindammal and sons Dharmarajan, Soundarrajan and the petitioner entered into a registered partition deed, dated 29.04.2009 in Doc.No. 2588/2009, on the file of SRO, Lalgudi. He was allotted the C schedule properties in the partition and the instant property is listed item 16 in C schedule of the partition deed. Subsequently to the partition, he has also obtained Natham patta for the property in his name. While so, he wanted to measure the property and demarcate it properly so that he can develop it. He had paid requisite fees in the treasury and had submitted his application with a copy of his patta and challan for fees in December 2020. While on 25.01.2021 the Surveyor, who came to survey the property, the fourth respondent, who



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has no right, title, or interest over the property, objected to survey the property. Therefore, the petitioner made a representation, dated 08.02.2021 to the District Collector, Trichy and Revenue Divisional Officer, Lalgudi. The first respondent vide his letter, dated 12.02.2021 in O.Mu.Aa3/749/2021 has directed the second respondent to take action on the request, but no action was taken to survey the above said land. Hence, the petitioner has approached this Court by way of filing the present writ petition for the above said relief.

4.The learned Special Government Pleader appearing for the respondents 1 to 3 submits that appropriate direction may be given to the respondents 1 to 3 to survey the petitioner's property, in accordance with law, within a time frame.

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 1 to 3 to consider the application of the petitioner, dated 08.02.2021 and after issuing notice to the parties concerned, conduct survey in their presence and demarcate the land in Patta No.259 in S.No.143/1C4, Semabarai Village, Lalgudi Taluk, Trichy District and pass order 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.



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

23.11.2022

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

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