



W.P.(MD)No.23712 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23712 of 2022

A.Mohamed Nivas

.. Petitioner

Versus

1.The Tahsildar,
Office of the Tahsildar,
Keelakarai Division,
Keelakarai – 623 517,
Ramanathapuram District.

2.The Head Surveyor,
Taluk Office,
Keelakarai,
Ramanathapuram District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to survey the petitioner's property, comprised in S.No.102/2, situated at Periyapattinam Village, Keelakarai Revenue Group, Keelakarai Taluk, Ramanathapuram District, measuring an extent of 64 ½ cents and to demarcate the boundaries by fixing boundary stones in the light of the petitioner's representation, dated 17.08.2022, within a stipulated time to be fixed by this Court.

For Petitioner : Mr.S.A.S.Alaudeen

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to survey his property, comprised in S.No.102/2, situated at Periyapattinam Village, Keelakarai Revenue Group, Keelakarai Taluk, Ramanathapuram District, measuring an extent of 64 ½ cents and to demarcate the boundaries, by fixing boundary stones, in the light of his representation, dated 17.08.2022, within a stipulated time to be fixed by this Court.

2.Heard Mr.S.A.S.Alaudeen, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, his mother gifted the aforesaid Punja land to him on 03.04.2013 by way of settlement deed and Patta No.4066 has been issued in his favour. From the said date onwards, the petitioner is in peaceful possession and enjoyment of the said property and the adjacent properties are converted as house plots. Since the petitioner used to travel abroad frequently, he afraid that there may an attempt of encroachment of his property by the adjacent land owners, he wants to fix the boundaries so as to enable him to lay boundary stones to make fencing. Hence, he preferred an application to the first respondent to survey and demarcate the property through online by paying



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the necessary fees on 01.02.2022. Since the survey was not conducted, the petitioner sent a representation to the respondents dated 17.08.2022, which did not evoke any fruitful result. Having left with no other effective and efficacious alternative remedy, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's property had already been measured and the petitioner has also acknowledged the same, but since he was not satisfied with the survey conducted, he has not laid the boundary stones and prayed for re-survey of the property. Suppressing the said fact, the petitioner has filed the present Writ Petition.

5.According to the learned counsel appearing for the petitioner, the aforesaid fact was not communicated to him and now, the petitioner is ready and willing to pay the further amount for re-surveying the property by the Head Surveyor.

6.Considering the aforesaid submission made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioner to pay the necessary fee prescribed for survey to be made by the second respondent/Head Surveyor. On receipt of such payment, the



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respondents are directed to survey the property in question and demarcate the boundaries, after issuing notice to the parties concerned, within a period of twelve weeks thereafter.

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

Index : Yes/No

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To

- 1.The Tahsildar,
Office of the Tahsildar,
Keelakarai Division,
Keelakarai – 623 517,
Ramanathapuram District.
- 2.The Head Surveyor,
Taluk Office,
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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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