



W.P.(MD)No.23747 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23747 of 2022

P.Rajangam

.. Petitioner

Versus

1.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

2.The Firka Surveyor,
Thamarakki,
Sivagangai Taluk,
Sivagangai District.

3.The Sub-Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey the petitioner's properties comprised in S.Nos.154/1, Patta No.2433, measuring an extent of 6 Acres and 60 Cents, situated at Kilathari Village, Sivagangai Taluk, Sivagangai District, by considering the petitioner's representation, dated 28.09.2022, within the time frame to be fixed by this Court.

For Petitioner : Mr.K.Malaimaran

For Respondents 1 and 2 : Mr.D.Gandhiraj
Special Government Pleader



W.P.(MD)No.23747 of 2022

For 3rd Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

WEB COPY

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey his properties comprised in S.Nos.154/1, Patta No.2433, measuring an extent of 6 Acres and 60 Cents, situated at Kilathari Village, Sivagangai Taluk, Sivagangai District, by considering his representation, dated 28.09.2022, within the time frame to be fixed by this Court.

2.Heard Mr.K.Malaimaran, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 and 2 and Mr.B.Thanga Aravindh, learned Government Advocate (Crl. Side), who takes notice for the third respondent. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner submitted that the property comprised in Survey No. 154/1, Patta No.2433, measuring an extent of 6 Acres and 60 Cents, situated at Kilathari Village, Sivagangai Taluk, Sivagangai District, is his ancestral property and he is in possession and enjoyment of the above said property without any hindrance for the past several years. In the said circumstances,



W.P.(MD)No.23747 of 2022

some of the boundary stones were removed and the same could not be traced out. In order to fix the correct boundaries of his property, the petitioner on 28.09.2022 remitted the requisite fees of Rs.800/- and submitted an application to survey and demarcate his property on the same day. However, no action has been taken. Hence, having left with no other efficacious remedy, the petitioner has filed the present Writ Petition for the relief stated supra.

4.The learned Government Advocate (Crl. Side) appearing for the third respondent submitted that already a complaint was given by the petitioner against some third parties, who are objecting for the same. Based on the said complaint, they were called for enquiry. They did not appear for enquiry and therefore, the authorities could not proceed further.

5.In support of his claim, the petitioner has produced a copy of Patta No.2433, in respect of S.No.154/1, measuring an extent of 6 Acres and 60 Cents, situated at Kilathari Village, Sivagangai District, which stands in his name and also paid necessary fees, for measuring the property on 28.09.2022.

6.Considering the facts and circumstances of the case, this Court directs the petitioner to produce all the relevant documents before the respondents 1 and 2, to enable them to measure the property. On production of such



W.P.(MD)No.23747 of 2022

documents, the respondents 1 and 2 are directed to measure the property after giving notice to all the necessary parties concerned and if there is any objection from any third party, the respondents 1 and 2 are at liberty to seek police protection, for measuring the property. The entire exercise shall be completed within a period of 16 weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of accordingly. No costs.

Index : Yes/No
smn2

14.10.2022

To

- 1.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.
- 2.The Firka Surveyor,
Thamarakki,
Sivagangai Taluk,
Sivagangai District.
- 3.The Sub-Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.23747 of 2022

V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
W.P.(MD)No.23747 of 2022

14.10.2022