



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.24447of 2022

K.Thirumalaiyatchi

... Petitioner

Vs

1. The Revenue Divisional Officer,
Revenue Division Office,
Tenkasi District,
Tenkasi-627811.

2.The Tahsildar,
Office of Tahsildar,
Tenkasi,
Tenkasi District-627 811.

3.Head Surveyor,
Taluk Office,
Tenkasi,
Tenkasi District-627 811.

... 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 to survey and fix the boundaries of the property situated in Tenkasi District, Tenkasi Taluk, Kuthukkalvalasai Village, Ayan Punjai Survey No.989/3B1 and 989/3B2 to an extent of nearly 4.5 cents as per the Tamil Nadu Survey and Boundaries Act, 1923 and consequently issue a individual patta to make necessary mutations in the revenue records pertaining to the property of the petitioner by considering the petitioner's online application bearing application No.2022/0105/34/218747 dated 14.09.2022 within a time frame as may be fixed by this Court.



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For Petitioner : Mr.R.Rajeshkumar
For Respondents : Mr.K.Christy Theboral
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to survey and fix the boundaries of the property situated in Tenkasi District, Tenkasi Taluk, Kuthukkalvalasai Village, Ayan Punjai Survey No.989/3B1 and 989/3B2 to an extent of nearly 4.5 cents as per the Tamil Nadu Survey and Boundaries Act, 1923 and consequently issue a individual patta to make necessary mutations in the revenue records pertaining to the property of the petitioner by considering the petitioner's online application bearing application No. 2022/0105/34/218747 dated 14.09.2022 within a time frame as may be fixed by this Court.

2.Heard Mr.R.Rajeshkumar, learned counsel appearing for the petitioner and Mrs.K.Christy Theboral, learned Additional Government Pleader, appearing for the respondents 1 to 3.

3.The learned counsel for the petitioner submits that the property in Former Tirunelveli District, now Tenkasi District, Tenkasi Taluk, Kuthukkalvalasai Village,

Ayan Punjai Survey No.989/3 originally belonged to one Pathirakaliammal through



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her ancestors. On 15.07.1966 Pathirakaliammal executed a registered gift deed in favour of one Ramakrishna Nadar and Shanmugavel Nadar regarding south side 22.5 cents and further north of 22.5 cents respectively bearing APS No.989/3 vide registered gift deed No.2390/1966. On 06.01.1967 the above Ramakrishna Nadar and Shanmugavel Nadar executed a registered sale deed in favour of Kaulinga Nadar regarding south side 45 cents in 90 cents bearing APS No.989/3 vide document No. 105/1967. On 05.07.1973 the petitioner has purchased south side 45 cents out of 90 cents comprised in Kuthukkalvalasai Village, Tenkasi District, bearing Ayan Punjai Survey No.989/3 from Kaulinga Nadar through registered sale deed vide document No.617/1973 for valid consideration.

4. He would further submit that on 16.12.1993, the petitioner sold south side 18.25 cents in APS No.989/3 to one Hajiral Begum wife of Syed Sulaiman vide document No.396/1994. The second respondent had issued Joint patta in the name of Bathirakaliammal and Hajiral Begum for 9.0 ares of land as per Patta No.1946 of Kuthukkalvalasai Village. The petitioner has right over 4 cents of land in patta No. 1946 of Kuthukkalvalasai Village. On 27.01.2000, the petitioner sold 23 cents out of 45 cents in APS No.989/3 to one Manoj and Gowtham through registered sale deed vide document No.137/2000. The third respondent had issued separate patta to Manoj and Gowtham for 9.50 ares in APS No.989/3B1 as per patta No.4237. He has right over 0.5 cents of land in patta No.4237 of Kuthukkalvalasai Village. Hence, he



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made an online application on 14.09.2022 to the respondents to survey and fix the boundaries and to fence the above said property. But, so far the respondents have not chosen to take any steps. As per departmental circular in R.C.No.05/2403/2020 dated 15.03.2021 issued by the Commissioner of Survey and Settlement issuing guidelines regarding surveying of properties as on the receipt of charges towards survey or resurvey it should be conducted within a period of 30 days from the date of receipt as much as possible. But his application dated 14.09.2022 was not considered by the respondents even after the expiry of the stipulated period of 30 days. Since, no action has been taken to measure and demarcate the property, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that appropriate direction may be given to the respondents to consider the petitioner's application, dated 14.09.2022, in accordance with law, within a time frame.

6. Considering the limited scope of the prayer sought for by the petitioner, this Court directs the respondents to consider the application of the petitioner, dated 14.09.2022 and after issuing notice to the petitioner and any other parties concerned, conduct survey in their presence and demarcate the land in Tenkasi District, Tenkasi Taluk, Kuthukkalvalasai Village, Ayan Punjai Survey No.989/3B1 and 989/3B2 to an



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extent of nearly 4.5 cents in accordance with law and communicate the decision taken to the petitioner and others concerned. Such exercise shall be completed within a period of twenty weeks from the date of receipt of a copy of this order.

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

Index : Yes/No
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23.11.2022

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V.BHAVANI SUBBAROYAN, J.

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