



W.P.(MD)No.24727 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24727 of 2022

Alagan, S/o.Alagan Mooppar

... Petitioner

Vs

1.The Tahsildar,
Taluk Office,
Thiruchuzhi,
Virudhunagar District.

2.The Taluk Surveyor,
Land Survey and Records,
Taluk Office,
Thiruchuzhi,
Virudhunagar District.

... 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 petitioner's lands, bearing Survey Nos. 76/1A2, an extent of 0.15.50 Ares and 76/1B1, an extent of 0.20.00 Ares - Patta No.29, situated at T.Karisalkulam Revenue Village, Thiruchuzhi Taluk, Virudhunagar District, based on his representation, dated 05.08.2022.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

WEB COPY The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to survey and fix the boundaries of his lands, bearing Survey No.76/1A2, measuring an extent of 0.15.50 Ares, and S.No.76/1B1, measuring an extent of 0.20.00 Ares - Patta No.29, situated at T.Karisalkulam Revenue Village, Thiruchuzhi Taluk, Virudhunagar District, based on his representation, dated 05.08.2022.

2. According to the learned counsel for the petitioner, the lands bearing S.No.76/1A2, measuring an extent of 0.15.50 Ares and S.No.76/1B1, measuring an extent of 0.20.00 Ares, situated at T.Karisalkulam Revenue Village, Thiruchuzhi Taluk, Virudhunagar District, originally belonged to the petitioner and in respect of the said properties, Patta No.29 has also been issued to him. In order to survey and fix the boundaries of the said lands, on 05.08.2022, the petitioner applied to the first respondent along with requisite fees. Since the same has not been considered so far, the petitioner has approached this Court, by way of filing the present Writ Petition for the relief stated supra.

3. When the matter was taken up for hearing on 08.11.2022, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that Patta No.29 in respect of the said lands stands in



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the name of the petitioner herein. When the authorities went to the said field on

13.09.2022 for survey, they found thorn bushes in the said area and therefore, they could not measure the same and informed the petitioner that the lands could be measured only by using Differential Global Positioning System [DGPS] instrument/equipment or if the petitioner is ready and willing to remove the thorn bushes in all the four sides, they can measure the same.

4. In spite of giving opportunities to the learned counsel for the petitioner on three occasions to get instructions from his client, he has not chosen to get instructions from the petitioner so far. Hence, this Court is not inclined to keep this matter pending any longer. It is left open to the petitioner to approach the respondents either to measure the lands in question by using Differential Global Positioning System [DGPS] instrument/equipment or he has to remove the thorn bushes in order to enable the respondents to measure the said lands. After giving his option, the respondents shall measure the lands in question and demarcate the boundaries of the same, within a period of twelve weeks therefrom.

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

Index : Yes/No

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To

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V.BHAVANI SUBBAROYAN, J.

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