



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.23005 of 2021

M. Mogamed

... Petitioner

Vs

1.The Tahsildar,
Shenkottai Taluk,
Tenkasi District.

2.Rahmathunisa

3.Aaminal

4.The Inspector of Police,
Shenkottai Police Station,
Tenkasi 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 1st respondent to conduct Resurvey and demarcate the four boundaries of the land in Survey No.315/6 in Peria Pillai Valasai Village, Shenkottai Taluk, Tenkasi District by considering the Petitioner's representation dated 18.10.2021 and to direct the 4th respondent to provide protection, if necessary.

For Petitioner
For R1

: Mr.I.Robert Chandrakumar
: Mr.C.Satheesh

Government Advocate

For R2 & R3
For R4

: Mr.N.Ganagasapathy

: Mr.B.Thanga Aravinth

Government Advocate (Crl.Side)



ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the 1st respondent to conduct Resurvey and demarcate the four boundaries of the land in Survey No.315/6 in Peria Pillai Valasai Village, Shenkottai Taluk, Tenkasi District by considering the Petitioner's representation dated 18.10.2021 and to direct the 4th respondent to provide protection, if necessary.

2.Heard Mr.I.Robert Chandrakumar, learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for the first respondent, Mr.N.Ganagasapapathy, learned counsel appearing for respondents 2 & 3 and Mr.B.Thanga Aravinth, learned Government Advocate (Crl.Side) appearing for the fourth respondent.

3.The Petitioner's case is that on 21.03.1962 the petitioner's grandfather Mr.Mohamad Rawther executed a Settlement Deed in respect of several properties including the land measuring 42 cents situated at Periya Pillai Valasai Village, Shencottai bearing survey No.315/1B in favour of his children. The said property was subsequently altered as Survey No.315/6. On 20.12.2005 his father executed a Settlement deed in respect of several properties including 4356 sq.ft land situated in Survey No.315/6 in favour of the respondents 2 and 3. On 04.01.2006 his father executed a settlement deed in respect of several properties including 3702 sq.ft land



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and 84 sq.ft Matappa bearing Survey No.315/6 in his name. The respondents 2 and 3 are residing far away from the property. In the said circumstances, the first respondent issued notice, dated 04.10.2021 and informed that they were going to conduct a survey on 11.10.2021 to demarcate the four boundaries of the said property based on the application of respondents 2 & 3. However, on the said day, the surveyor informed that it was not possible to survey the property because of the heavy rain in the morning and stagnation of the rain water on the proposed survey land. But, on the same day at about 06.00 p.m., when the petitioner returned to the property he was shocked to see that the boundary stones erected on the four sides. On 18.10.2021 the petitioner submitted a written objection and prayed for resurvey. After receiving the petitioner's objection, the first respondent has not issued the land survey certificate to the respondents 2 and 3 till date. Thereafter, the petitioner has sent a representation on 01.11.2021 to the District Collector, Tenkasi, Revenue Divisional Officer, Tenkasi and the first respondent. However, till date, the first respondent's official has not conducted the resurvey. Hence, the petitioner has approached this Court by way of filing the present writ petition for the above said relief.

4.The learned Government Advocate appearing for the respondents would submit that appropriate direction may be given to the respondents to survey the petitioner's property, in accordance with law, within a time frame.



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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 to conduct survey after giving notice to the parties concerned and in the their presence and demarcate the land in Survey No.315/6 in Peria Pillai Valasai Village, Shenkottai Taluk, Tenkasi District by considering the representation of the petitioner, dated 01.11.2021 and pass orders 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 twelve (12) weeks from the date of receipt of a copy of this order. Both parties are directed to co-operate to the officials for surveying the land.

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

Index : Yes/No
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To

- 1.The Tahsildar,
Shenkottai Taluk,
Tenkasi District.
- 2.The Inspector of Police,
Shenkottai Police Station,
Tenkasi District.



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V.BHAVANI SUBBAROYAN, J.

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