



W.P.(MD)No.24900 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24900 of 2022

P.Alagaiya

.. Petitioner

Versus

1.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Ariyanayagipuram,
Kadayanallur Taluk,
Tenkasi District.

3.Ramachandran, S/o.Muthiah

4.Ganesan, S/o.Chellasamy

5.Kannan, S/o.Ramasamy

.. 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 land in S.No.425/2, situated at Ariyanayagipuram Village, Kadayanallur Taluk, Tenkasi District and fix the boundaries, by considering the petitioner's application, vide payment of Challan, dated 14.09.2021 and issue the certificate of survey or acknowledgment of completion of survey, within a time frame to be fixed by this Court.

For Petitioner : Mr.H.Arumugam

For Respondents 1 and 2 : Mr.D.Gandhiraj
Special 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 1 and 2 to survey the land in S.No.425/2, situated at Ariyanayagipuram Village, Kadayanallur Taluk, Tenkasi District and fix the boundaries, by considering his application, dated 14.09.2021 and issue a certificate of survey or acknowledgment for completion of survey, within a time frame.

2.Heard Mr.H.Arumugam, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 and 2. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.Having regard to the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 3 to 5 is dispensed with.

4.According to the petitioner, the aforesaid land was purchased by him and his son vide two registered sale deeds, dated 18.12.1986 and 23.11.2000 respectively. The petitioner owns lands the western and southern side of S.No. 425/2 and on the eastern side of his lands, there is a Kanmai and on the



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northern side, the lands belong to the respondents 3 to 5 are situated. The boundary stones fixed by the revenue authorities on the northern side was removed by the respondents 3 to 5, while they were levelling their land. Hence, the petitioner submitted an application on 14.09.2021 for surveying of his lands along with requisite fee. Thereafter, the second respondent issued a notice to the petitioner for conducting a survey on 22.04.2022. According to the petitioner, the survey as scheduled on 22.04.2022 was not conducted. Hence, the petitioner made a representation to the District Collector on 14.09.2022. Thereafter, the second respondent issued a notice for conducting a survey on 02.10.2022 and surveyed three sides only. The respondents 3 to 5 did not allow the surveyor to survey the petitioner's lands completely. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

5.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner's lands would be surveyed and boundaries will be fixed, on the basis of his representation, dated 14.09.2021, within a time frame to be fixed by this Court.

6.Recording the aforesaid submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, this Court, without expressing any opinion on the merits of the case, directs the respondents 1 and



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2 to survey the petitioner's lands, based on his representation dated 14.09.2021, demarcate the boundaries and fix boundary stones, in the presence of all the parties concerned, after issuing due notice to all the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Index : Yes/No
smn2

02.11.2022

To

1.The Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Ariyanayagipuram,
Kadayanallur Taluk,
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V.BHAVANI SUBBAROYAN, J.

smn2

Order made in
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