



W.P.(MD)No.26753 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26753 of 2022

R.Palanikumar

.. Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Singampunari
Sivagangai District.

2.The Land Surveyor,
The Tahsildar Office,
Singampunari
Sivagangai District.

3.Palanisamy

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to survey the petitioner's patta land situated in S.No.164/3C1, Kulathupatti Village, Singampunari Taluk, Sivagangai District and fix the boundaries thereon based on the representation dated 11.11.2022 within the time frame fixed by this Court.

For Petitioner : Mr.S.Muthumalai Raja
For R1 and R2 : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to survey the petitioner's patta land situated in S.No.164/3C1, Kulathupatti Village, Singampunari Taluk, Sivagangai District and fix the boundaries thereon, based on the representation, dated 11.11.2022 within the time frame fixed by this Court.

2.Heard Mr.S.Muthumalai Raja, learned counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents 1 and 2. Considering the nature of order proposed to be passed in this writ petition, notice to the third respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal.

3. The grievance of the petitioner is that representation submitted by the petitioner seeking to survey the land of the petitioner, has not been considered.

4. The learned counsel for the petitioner submitted that the petition mentioned property belonged to the petitioner. The petitioner wanted to survey and fix the boundaries to his property. He made an application in this regard.

<https://www.mhc.tri.org.in/dis> Based on the same, when the first respondent was proceeding to



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survey the land, the third respondent, who is the adjacent land owner of the petitioner prevented the first respondent from surveying the property and hence, the survey was left incomplete. Therefore, the petitioner gave a representation dated 11.11.2022 to re-survey the property of the petitioner. The same has not been considered. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

5. The petitioner has produced the documents in support of his case that he is the owner of the aforementioned property. He has sought for a survey and fixation of boundaries by the appointment of a Surveyor and the petitioner has given a representation on 11.11.2022 for the said purpose.

6.No prejudice would be caused to the respondents, if the representation of the petitioner dated 11.11.2022 is considered on merits and in accordance with law, after hearing the petitioner as well as the rival claimants, if any.

7.Accordingly, this Court, without expressing any opinion on the merits of the matter, directs the official respondents to survey and fix the boundaries in the petitioner's property, after giving notice to the petitioner and rival claimants, if any, within a period of sixteen [16] weeks from the date of receipt of a copy of this order. If required, the second respondent shall seek assistance



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of the Police Officials for the purpose of conducting survey and demarcation
of the petitioner's land.

8. With the above direction, this Writ Petition is disposed of. There shall
be no order as to costs.

28.11.2022

Index : Yes/No
Internet : Yes/No
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To

1. The Tahsildar,
Tahsildar Office,
Singampunari
Sivagangai District.

2. The Land Surveyor,
The Tahsildar Office,
Singampunari
Sivagangai District.



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V.BHAVANI SUBBAROYAN, J.

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