



W.P.No.1158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.1158 of 2023

K.Santha

.... Petitioner

-Vs-

1.The Tahsildar
Namakkal Town
Namakkal – 637 001.

2.The Head Surveyor
Office of the Taluk Office
Namakkal Town
Namakkal 637 001.

3.S.Vanathi

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent 1 and 2 to measure survey number SF No.223/7J, based on registered agreement for pathway in Doc.No.2091/1980 dated 26.12.1980 and Doc.No.119/1999 dated 31.01.1999 on the file of Joint Registrar-I at Namakkal and to ear mark pathways and demarcate the boundaries and issue patta.

For Petitioner : Mr.Ma.Pa.Thangavel
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader- for RR 1 & 2
Notice dispensed with - R3



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ORDER

The prayer sought for herein is for a Writ of Mandamus directing the respondent 1 and 2 to measure survey number SF No.223/7J, based on registered agreement for pathway in Doc.No.2091/1980 dated 26.12.1980 and Doc.No.119/1999 dated 31.01.1999 on the file of Joint Registrar-I at Namakkal and to ear mark pathways and demarcate the boundaries and issue patta.

2. The petitioner, in order to survey the land situated at SF.No.223/7 to an extent of 3517.5 Sq.feet in Vettambadi Village, Namakkal Taluk and District had given an application on 10.10.2021 and a representation on 31.10.2022. He had also paid the necessary fee for the same. In order to consider the same and do the needful the petitioner has filed the present writ petition.

3. However, it is the stand of the 1st respondent Tahsildar that, when such an attempt was made to measure the land as claimed by the petitioner, there has been a stiff resistance or objection from the 3rd respondent. Therefore, it could not be completed and this has been communicated by the 1st respondent vide his communication dated 16.12.2022. Only in that circumstances, the petitioner has moved the present writ petition.



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4. Heard Mr.Ma.Pa.Thangavel learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the official respondents. In view of the order that is going to be passed in this writ petition, notice to the private respondents is hereby dispensed with.

5. It is the claim of the petitioner that the land in question belongs to the petitioner, and therefore it is necessary to find out its four boundaries and then only the dispute between the petitioner and the neighbors like the 3rd respondent can be resolved amicably and that is why the petitioner has chosen the right way of giving an application to measure the land in question that has been acted upon by the revenue officials. Therefore, that kind of action cannot be thwarted or prevented by any third party like the 3rd respondent.

6. In view of the above facts and circumstances, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the respondents to act on the application of the petitioner dated 09.10.2021 and the representation dated 31.10.2022 for the purpose of measuring the land in question and in this process, notice shall be given to the petitioner as well as the 3rd respondent and in the presence



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of the petitioner as well as the 3rd respondent the survey to be undertaken. In this process, if any further resistance comes from the 3rd respondent despite this order, it is open to the respondents 1 and 2 to seek the assistance of police protection and complete the task within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs.

12.01.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST

To

1.The Tahsildar
Namakkal Town
Namakkal – 637 001.

2.The Head Surveyor
Office of the Taluk Office
Namakkal Town
Namakkal 637 001.

R. SURESH KUMAR, J.



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W.P.No. 1158 of 2023

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