



W.P.No.30399 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30399 of 2023

Michel

... Petitioner

versus

The Tahsildar,
Sankarapuram & Taluk,
Kallakurichi District

...Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent to survey the land with regard to the land in Survey No.57/7K, 57/7L at Mangalam Village, Sankarapuram Taluk, Kallakurichi District.

For Petitioner : Mr.V.Gunasekar
For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the respondent to survey the land with regard to the land in Survey No.57/7K,

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57/7L at Mangalam Village, Sankarapuram Taluk, Kallakurichi District.

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2. The case of the petitioner is that his father Anthonysamy owned a land measuring about 1.3 Cents comprised in Survey No.57/7K in Mangalam Village, Sankarapuram Taluk, Kallakurichi District and further, the petitioner purchased a land measuring about 63 cents adjacent to the said property. After the demise of petitioner's father, the petitioner and his brother were in absolute possession and enjoyment of the said property. In order to make a partition between the petitioner and his brother, he made an application to the respondent along with the necessary documents and fee receipt to survey the land. Since no action has been taken by the respondent, the petitioner made another application on 07.02.2022 to the respondent along with all documents and fees to survey the land. While so, the petitioner received a communication dated 24.08.2023 in Ref.No.GDP No.5831163/2023 from the respondent stating that the respondent sent a letter to the Inspector of Police, Moonkil Thuraipattu, seeking for police protection to survey the property on 25.08.2023. But on the said date, as scheduled, the survey was not conducted by the respondents. Left with no



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other option, the present writ petition has been filed before this Court.

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3. The learned counsel for the petitioner would submit that he purchased the property vide Sale Deed dated 15.05.2018 registered as document No.804 of 2018 and immediately after the registration of Sale Deed, the petitioner made an application to survey the land.

4. The learned Additional Government Pleader appearing for respondent submitted that on 25.08.2023, they measured the property and the petitioner was also present at the time of survey and his statement was also recorded. At that time, the crops were raised for cultivation and hence, the survey for sub-dividing the land could not be carried out properly.

5. Taking into consideration the facts and circumstances of the case, the petitioner is directed to file a fresh application along with all necessary documents and pay the fees to survey the land within a period of one week from the date of receipt of a copy of this order and the respondent on receipt of the same, shall conduct a survey, after giving an opportunity



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to the petitioner and the joint patta holder and also to the adjacent land owners, who are situated in and around the four boundaries of the said land.

6. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No

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To
The Tahsildar,
Sankarapuram & Taluk,
Kallakurichi District



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