



Order dated 01.11.2023
in W.P.No.31422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.11.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31422 of 2023

N.Devaraj

.. Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Coimbatore North,
Coimbatore District.

2. The Taluk Surveyor,
Coimbatore North Taluk,
Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents herein to forthwith survey land of an extent of 30 cents in Survey No.463/1, Saravanampatti Village, Coimbatore North Taluk, Gandhipuram Sub-Registration, Coimbatore District and demarcate its boundaries.

For petitioner : Mr.P.Gopiraja

For respondents: Mr.R.P.Murugan Raja, Govt. Advocate

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ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents herein to forthwith survey land of an extent of 30 cents in Survey No.463/1, Saravanampatti Village, Coimbatore North Taluk, Gandhipuram Sub-Registration, Coimbatore District and demarcate its boundaries.

2. It is the case of the petitioner that he had purchased the said vacant land measuring an extent of 30 cents comprised in the above said survey number from one V.Narayanasamy Naidu through sale deed Document No.616/2007, dated 29.01.2007, registered at the Office of the Sub-Registrar, Gandhipuram for a consideration of Rs.3,75,000/- and also obtained Patta in Patta No.1262 for the said land. After several years, when the petitioner went to the place where his land is situated, he was unable to clearly identify the land, and hence, the petitioner submitted a representation dated 26.09.2023 to the first respondent to survey and demarcate the boundaries of the



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petitioner's land and the petitioner also paid necessary fees of Rs.800/- through e-Challan No.20230927028392, dated 27.09.2023. On receipt of the said representation, the second respondent sent an intimation informing the petitioner to be present along with documents for survey of land on 10.10.2023 at about 10.30 a.m., on which date, the second respondent came to survey the land, but left the place without surveying the land when the adjacent land owners did not furnish their title documents to their respective lands due to misconception. Since the petitioner is unable to identify the land, the petitioner was put to necessity to apply for surveying the aforesaid land. Only for the said purpose, the petitioner made application and paid necessary fees, however, the respondents who are officers of the State and who are bound to survey the land on receipt of necessary fees, failed to discharge their duty properly.

3. In spite of the petitioner's application, dated 26.09.2023 and receipt of the same on 27.09.2023, vide Serial No.3534, the respondents have not taken any steps to survey the aforesaid land. Only if the land is surveyed and demarcated, the petitioner's title will be



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protected and the petitioner will be able to protect his possession and enjoyment of the aforesaid land purchased in the year 2007. Hence, the petitioner has filed this Writ Petition for the relief stated supra.

4. Taking into consideration the above facts and the submissions made on either side, this Court directs the first and second respondents to consider the said application dated 26.09.2023 and pass orders on merits and in accordance with law, after issuance of notice to the adjacent owners and the boundaries of the petitioner and to survey the above said land within the period of two months from the date of receipt of a copy of this order.

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

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To
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P.VELMURUGAN, J

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