



W.P.No.33797 of 2023
order dated 05.12.2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.12.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.33797 of 2023

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Elumalai, S/o Late Ganesan

.. Petitioner

Vs.

The Tahsildar,
Sankarapuram & Taluk,
Kallakurichi District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to survey the land with regard to the land in Survey no.211/8A1A1A1 at Katatuvannanchur Village, Sankarapuram Taluk, Kallakurichi District and demarcate the same within the time frame that may be fixed by this Court.

For petitioner : Mr.V.Gunasekar

For respondent : Mr.Yogesh Kannadasan, Spl.G.P.

ORDER

This Writ Petition is filed praying for issuance of a simple Writ of Mandamus to direct the respondent to survey the land with regard to the land in Survey No.211/8A1A1A1 at Katatuvannanchur Village, Sankarapuram Taluk,

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Kallakurichi District and demarcate the same within the time frame that may be fixed by this Court.

2. It is the case of the petitioner that his father Ganesan was owning a land measuring about 7 cents in Old Survey No.211/8, New Survey No.211/8A1A1A1 and some other lands through the registered Document Nos.1024/1994 and 2120/2005 on the file of the Sub-Registrar Office, Sankarapuram. The petitioner's father was in peaceful possession and enjoyment of the property. On 01.01.2019, the petitioner's father died without intestate of the said property. After demise of his father, the petitioner and his brothers jointly were in possession and enjoyed their entire property and the petitioner and his brothers and sister jointly executed a partition deed, dated 06.04.2022, vide document No.2050/2022 on the file of the Sub-Registrar Officer, Sankarapuram, and as per the said partition deed, E-schedule property was allotted to the petitioner and he is the absolute owner having possession and enjoyment in the same. The petitioner decided to develop the property and in order to measure the property, the petitioner made arrangements and made an application on 30.05.2023 to the respondent along with all documents and also paid fees, which was also acknowledged by the respondent, but no steps were taken by the respondent for measuring the petitioner's land. Hence, the



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petitioner filed a representation dated 30.05.2023 in that regard. Hence, the petitioner has approached this Court by filing the present Writ Petition.

3. Taking into account the facts and circumstances of the case, the respondent is directed to issue notice to the petitioner and adjacent owners of the four boundaries situated and also the interested parties/rival claimants if any, and after giving notice to all the parties, conduct enquiry and dispose of the said representation, dated 30.05.2023 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

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

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CS

To

The Tahsildar,
Sankarapuram & Taluk,
Kallakurichi District.

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P.VELMURUGAN, J

CS

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