



W.P.(MD)No.2494 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.2494 of 2021

K.Alagarsamy

... Petitioner

Vs.

1.The District Collector
Madurai District

2 .The Commissioner
Madurai City Municipal Corporation,
Madurai.

3.The Tahsildar,
Taluk Office,
Madurai.

4.The Town Surveyor
Madurai City Municipal Corporation,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to measure the Petitioner's land in New T.S.No.1 and 88 (Old T.S.Nos. 799 1/1A and 799 1/1B) within the time frame that may be fixed by this Court

For Petitioner

: Mr.Niranjan S.Kumar

For Respondents

: Mr.A.K.Manikkam,
Special Government Pleader



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ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the fourth respondent to measure the property belonging to the petitioner to fix the boundary stones within the time frame fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that the subject property was purchased by the great grandfather through a registered sale deed in the year 1942 and a document was registered as Document No.4598 of 1942. Thereafter, the property devolved on the legal heirs and there was a partition entered into between the parties and the partition deed dated 17.06.2005 was also registered as Document No.4053 of 2005. As per the partition deed, the “B” Schedule property belongs to the father of the petitioner. The petitioner claims to have inherited the property.



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4. An attempt was made by the second respondent to lay a road adjacent to the subject property. The petitioner apprehended that the subject property will be encroached. Therefore, the petitioner wants a survey to be conducted and the boundary stones to be laid. An application was made in this regard and since there was no response, the present Writ Petition has been filed before this Court.

5. Taking into consideration the facts and circumstance of the case and the limited relief sought for in this writ petition, there shall be a direction to the petitioner to properly identify the concerned Taluk Officer and to make a fresh application by paying necessary fees. The concerned Tahsildar and the Town Surveyor shall act upon the application made by the petitioner seeking for the survey of the subject property and this process shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner will co-operate by furnishing all the relevant documents during the survey.



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6. This Writ Petition is disposed of with the above directions.

No costs.

11.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

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N.ANAND VENKATESH, J.

tsg

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