



W.P(MD)No.7296 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.7296 of 2023

and

W.M.P(MD)No.7857 of 2023

S.Jeyaraja

... Petitioner

Vs.

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Head Surveyor,
Melur Taluk,
Madurai District.

3.The Firka Surveyor,
Koothappanpatti Village,
Melur Taluk,
Madurai District.

4.SPK.Shanmugavadivelan @ Shanmugaraja

5.Sethupathy @ Palanivelmurugan

(R4 and R5 impleaded vide Court order
dated 13.04.2023)

... Respondents



W.P(MD)No.7296 of 2023

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to Survey the land and mark four boundaries regarding S.F.No. 61/6 and 61/8 in Patta No. 1841, Pathinettankudi Village, Melur Taluk, Madurai District based on the petitioners representation dated 07.02.2023.

For Petitioner : Mr.S.Pakalavan

For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a mandamus seeking a direction against the respondents the Tahsildar, Head Surveyor and the Firka Surveyor of Koothappanpatti Village, Melur Taluk, Madurai District, to survey the land and mark the four boundaries in S.F.No.61/6 and 61/8 in patta No.1841 in Pathinettankudi Village, Melur Taluk. The petitioner had given a representation dated 07.02.2023.

2. When the writ petition came up for admission, the Court had directed the petitioner to implead as respondents those who objected for the survey. Accordingly, the petitioner has filed W.M.P.(MD)No.7857 of 2023, to implead,



W.P(MD)No.7296 of 2023

SPK.Shanmugavadivelan @ Shanmugaraja and Sethupathy @

Palaniivelmurugan as respondents 4 and 5. In view of the fact that they are required and notice had to be issued to them before survey can be conducted, this Writ Miscellaneous Petition is allowed. Registry is directed to implead the above said parties as 4 and 5 respondents before issuing the order copy.

3. In the affidavit filed in support of the writ petition, the petitioner had stated that he is the owner of the aforementioned land at S.F.No.61/6 and 61/8 in Patta No.1841. The petitioner claims that he had filed an application for measurement of lands. In the affidavit, he petitioner has not been given the area of the land.

4. The first respondent/ Tahsildar may therefore, examine the possibility of conducting survey when the area has not been mentioned by the petitioner. If the survey cannot be conducted, then a report may be filed giving reasonings as to why the survey cannot be conducted. If the land is identifiable, then if there are no objection from the respondents, then alone the survey can be conducted. The entire exercise may be completed within a period of six weeks from the date of receipt of a copy of this order.



W.P(MD)No.7296 of 2023

WEB COPY

5. This Writ Petition is disposed of. No costs.

13.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

Note: Registry is directed to carry out necessary amendments in the cause title.

pnn

To

- 1.The Tahsildar,
Melur Taluk,
Madurai District.
- 2.The Head Surveyor,
Melur Taluk,
Madurai District.
- 3.The Firka Surveyor,
Koothappanpatti Village,
Melur Taluk,
Madurai District.



WEB COPY



W.P(MD)No.7296 of 2023

C.V.KARTHIKEYAN, J.

pnn

**W.P(MD)No.7296 of 2023
and
W.M.P(MD)No.7857 of 2023**

13.04.2023