



W.P(MD)No.9406 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9406 of 2023

A.Duraisamy

... Petitioner

Vs.

1.The Thasildar

Thasildar East,

Office of Commissionerate of Survey and Settlement,

Madurai East,

Madurai.

2.The Surveyor

Taluk Office,

Narasingam,

Othakadai,

Madurai.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to issue suitable orders to the second respondent to measure the petitioners property situate at Uthankudi Village, Madurai East in Old Survey No.53-16B1A of sub division 16B1 to an extent of 0.19.54 Ares bearing Patta Number 479 of punja land and demarcate the properties by considering the representation of the petitioner dated 12.01.2023 .

For Petitioner : Mr.S.Karthikeyan

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against the first respondent / Tahsildar, Tahsildar East, Office of Commisionerate of Survey and Settlement, Madurai East, to conduct survey of the land of the petitioner at Uthangudi Village, Madurai East, in Old Survey No.53-16B1A of sub division 16B1 measuring 0.19.54 ares in Patta No.479 and demarcate the said property.



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The petitioner had given a representation on 12.01.2023. He had also paid necessary charges through e-challan.

2. The learned Special Government Pleader who had taken notice on behalf of the respondents stated that there are nearly about 13 separate persons who are holding the lands and except the petitioner everybody had died and had also sold the property to various other persons. The learned Special Government pleader stated that the petitioner should first establish title and for that must produce necessary documents relating to title before the first respondent.

3. The learned Special Government Pleader further stated that the entire area is surrounded by other houses and unless the petitioner establishes title, it may not be possible to conduct survey.

4. A direction is given to the petitioner to produce necessary documents before the first respondent within the 2nd week of May 2023 and on production of those documents, on the application of the



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petitioner, the first respondent may take a decision to conduct survey or not to conduct survey. If during the conducting of survey, there are objections, then a report may be filed as to why the survey could not be done, otherwise the survey may be done and report be filed. All the options are replaced at the discretion of the first respondent. The entire exercise must be completed within a period of eight weeks from the date on which the petitioner produces the document of title.

5. With the above directions, the Writ Petition stands disposed of. No costs.

21.04.2023

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

RM



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C.V.KARTHIKEYAN, J.

RM

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