



WP(MD)No.17240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD).No.17240 of 2023

V.Viji

... Petitioner

Vs

1.The Tahsildar,
Pattukkottai Taluk,
Thanjavur District.

2.The Firka Surveyor,
Pattukkottai Taluk,
Thanjavur District.

... Respondents

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 conduct survey on the property bearing Survey No. 67B/29, Alathur Village, Pattukkottai Taluk, Thanjavur District, measuring an extent of 1152 sq.ft and further directing the respondents to issue a separate patta by considering the petitioner's payment receipt dated 28.10.2022.



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For Petitioner : Mr.I.Robert Chandrakumar
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner has approached this Court for a Mandamus, directing the respondents to act upon his application, dated 14.10.2022, which was submitted for survey of his land in Survey No.67B/29, Alathur Village, Pattukkottai Taluk, Thanjavur District.

2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents submits that the petitioner claims right over the property by way of a settlement deed, dated 28.11.2022, whereas, the application for survey of his property was filed on 14.10.2022, even before the date of settlement deed and therefore, the survey Officer has insisted the petitioner to produce the revenue records to ascertain the ownership of the property.



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3.In reply, the learned counsel appearing for the petitioner submits that the petitioner is ready to produce the relevant documents, if any required by the respondents on 26.07.2023.

4.Considering the submissions made by either side, this Court is of the view that though it is not mandatory requirement for the Surveyor to conduct a survey depending upon the verification of the original documents, the petitioner herself has come forward to produce the relevant documents on 26.07.2023. If there is any dispute, the Survey Officer is expected to conduct an enquiry under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and survey the land within a peirod of four weeks from the date of a receipt of necessary documents from the petitioner.



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5. With the above directions, this writ petition is disposed

of. No costs.

19.07.2023

NCC : Yes / No.

Index : Yes / No.

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