



W.P.(MD)No.17680 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17680 of 2023

Chellapandi

... Petitioner

versus

1. The Thasildar,
Palayamkottai Taluk,
Tirunelveli District.

2. The Taluk Surveyor,
Pallayamkottai Taluk,
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to survey the land in old T.S.No.996 and New T.S.No.221, situate at 30th Ward, Melapalayam Zone, Palayamkottai Taluk, Tirunelveli District, by consider the challan paid by the petitioner on 30.08.2022 and based on the petitioner's representation dated 30.08.2022 within a stipulated time fixed by this Court.



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For Petitioner : Mr.V.Maharajan

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

ORDER

The petitioner has submitted an application dated 30.08.2022 for surveying his land in T.S.No.221 situated at Melapalayam Zone, Palayamkottai Taluk, Tirunelveli District. Since the said application has not been considered, the petitioner has filed this writ petition.

2. Ms.D.Farjana Ghoushia, learned Special Government Pleader, on written instructions, submits that based on the petitioner's application, the officials have proposed to conduct survey on 15.09.2022 and a notice was also issued to the adjacent land owners. After receipt of that notice, one Meenakshi Sundaram has raised certain objections on surveying the land and requested time for production of certain documents. Therefore, the survey was postponed. Subsequently, they have proposed to conduct survey on 07.01.2023, for



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which, notice has also been issued to the objectors. The learned Special Government Pleader further submits that the petitioner's father has purchased the above property and after his demise, as per the legal heir certificate, nine persons are claiming right over the property and they have also filed an appeal before the Revenue Divisional Officer seeking issuance of joint patta and the same is pending

3. If there is any objection from the adjacent land owners or any other persons, who are claiming right over the property, the Surveyor, before surveying the land, has to issue a notice as required under Section 10 (2) of the Tamil Nadu Survey and Boundaries Act, 1923.

4. Accordingly, this writ petition is disposed of with a direction to the respondents to proceed with the petitioner's application dated 30.08.2022 by issuing notice to the objectors, under Section 10(2) of the Tamil Nadu Survey and Boundaries Act, 1923, within a period of two weeks from the date of receipt of a copy of this order and



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thereafter, conduct an enquiry and take a decision within a period of four weeks from thereon.

5. With the above direction, the writ petition is disposed of. No costs.

21.07.2023

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

To

1. The Thasildar,
Palayamkottai Taluk,
Tirunelveli District.
2. The Taluk Surveyor,
Pallayamkottai Taluk,
Tirunelveli District.



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B.PUGALENDHI, J.

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