



WP(MD)No.19013 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP.(MD).No.19013 of 2023 and
WMP(MD) Nos.15795 & 15796 of 2023

P.Kennadi

... Petitioner

Vs

- 1.The District Collector,
Madurai District Collectorate Office,
Madurai District.
- 2.The Revenue Divisional Officer,
Madurai East RDO Office,
Madurai East Taluk,
Madurai.
- 3.The Thashildhar,
Madurai East Taluk Office,
Othakkadai,
Madurai District.
- 4.Dhanapriya,
The Surveyor,
Andaman Velliankundrum Village,
Madurai East Taluk,Madurai.



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5. Muthukumar.K

6. Elangovan.K

... 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 1 to 3 herein to measure the lands comprised in Survey in S.No.18/4A1 situated at Andaman Vellinkundram Village, Madurai East Taluk, Madurai District, by considering the petitioner representation dated 16.06.2023 and challan dated 11.07.2023 within the time stipulated by this Court.

For Petitioner : Mr.K.Guruchev
For R1 to R3 : Mr.M.Sarangan
Additional Government Pleader

ORDER

The petitioner with a grievance that the respondents 5 & 6 are attempting to construct a building in his land has submitted an application on 16.06.2023 to survey his land based on a document dated 02.05.2019 and filed this writ petition that his application has not been considered by the respondents so far.



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2.Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 on instructions submits that there is a correction in the eastern boundary mentioned in the petitioner's document and therefore, the application has not been processed.

3.The learned counsel appearing for the petitioner submits that the corrections referred by the learned Additional Government Pleader is in the registered sale agreement and subsequently, the sale agreement has been corrected by way of a sale deed, a registered document before the concerned Sub Registrar's Office on 02.05.2019. He further submits that taking advantage of the stand taken by the surveyor, the respondents 5 & 6 are also proceeding with the construction.

4.This Court considered the rival submissions made.



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5.Considering the nature of relief sought for by the petitioner, notice to the respondents 4 & 5 is dispensed with and this writ petition is disposed of with a direction to the Survey Officer concerned to conduct an enquiry by issuing a notice to the adjacent land owners under Section 10(1) of the Tamil Nadu Survey and Boundaries Act, 1923 and proceed further in accordance with law within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes

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B.PUGALENDHI, J.

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Order made in
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