



WP(MD)No.20846 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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Sheela Stella Mary
Rep. by Power of Attorney
Martin

.. Petitioner

v.

- 1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.
- 2.The Firka Surveyor,
Vedasandur Taluk Office,
Dindigul District.
- 3.The Inspector of Police,
Vadamadurai Police Station,
Dindigul.
- 4.Dhandapani

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 & 2 to survey and demarcate the petitioner's properties jointly belonging to the petitioner and her brother, A.Paul Sagayaraj, located in S.No.153/2A,



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153/3A, 152/1, 152/2, 152/3, 151/1A & 153/1 in Morepatti Village, Vendasandur Taluk, Dindigul District, based on the petitioner's application dated 08.05.2023 and as per the survey notice issued by the first respondent, within a stipulated time limit.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.M.Sarangan,
Additional Government Pleader
for R.1, R.2

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)
for R.3

ORDER

The petitioner has submitted an application dated 08.05.2023 to survey his land in S.Nos.153/2A, 153/3A, 152/1, 152/2, 152/3, 151/1A, 153/1 in Morepatti Village, Vendasandur Taluk, Dindigul District and filed this writ petition directing the respondents 1 & 2 to consider his application and to survey his land.

2.Learned Counsel for the petitioner submitted that based on the objections raised by an adjacent land owner, the official respondents have not taken any steps to survey the land. Therefore, he has filed this writ



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petition.

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3.Learned Additional Government Pleader, on instructions, submitted that based on the petitioner's application, notice has been issued for conducting the survey on 13.06.2023 to the adjacent land owners. One Dhandapani, the adjacent land owner and the petitioner's brother, Joseph Selvaraj, have raised certain objections and therefore, the respondents have suggested them to produce the relevant documents for verification. The said Dhandapani has not produced any records and therefore, they have not concluded the enquiry.

4.This Court considered the rival submissions made on either side.

5.If the Survey Officer has received any objections from anybody at the time of survey, he shall proceed further as per Sub-Section 1 of Section 10 of the Tamil Nadu Survey and Boundaries Act and shall pass orders within a reasonable time. The aggrieved parties are also having an appeal remedy u/s.11 of the Tamil Nadu Survey and Boundaries Act.



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6.Considering the submission made by the learned Additional Government Pleader, this writ petition is disposed of with a direction to the second respondent / Surveyor to conduct an enquiry u/s.10(1) of the Tamil Nadu Survey and Boundaries Act and to take a decision thereon, after affording due opportunity of hearing to the petitioner and the other interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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

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To

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- 3.The Inspector of Police,
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B.PUGALENDHI, J.

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