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Order dated 22.02.2024
in W.P.No.2708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2708 of 2024

--

Thangavelu

.. Petitioner

Vs.

1. The District Collector,
Collectorate Office,
Collectorate,
Namakkal District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Namakkal District.
3. The Tahsildar,
Rasipuram Taluk,
Namakkal District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to conduct survey of the petitioner's property as per the original title deed documents and issue separate patta comprised in Survey No.74/4B of an extent of Acres 1.54 1/2 Punjai lands situated in Vennandur Village, Namakkal District.



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For petitioner : Mr.V.R.Anna Gandhi
For respondents: Mr.T.Arun Kumar, Addl.G.P.

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the third respondent to conduct survey of the petitioner's property as per the original title deed documents and issue separate Patta comprised in Survey No.74/4B of an extent of Acres 1.54 1/2 Punjai lands situated in Vennandur Village, Namakkal District.

2. Heard and perused the materials available on record.

3. Though the learned Additional Government Pleader appearing for the respondents submitted that there is a civil dispute between the parties, whereas, in the counter affidavit, it is stated that the suit in O.S.No.82 of 2020 on the file of the District Munsif Court, Rasipuram, was dismissed on 06.02.2023 after full trial.

4. The respondents have not produced any document to show that there is a legal impediment to conduct survey.

5. Therefore, under the above circumstances, the third respondent-



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Tahsildar is directed to issue notice to the petitioner/adjacent owners of the four boundaries of the subject land/rival claimants/interested parties/objectors, as the case may be, after giving notice to all the parties and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law.

6. After passing the order, in case the third respondent/Tahsildar finds that the petitioner is otherwise eligible or entitled to the relief, the third respondent/Tahsildar is directed to conduct survey through the qualified surveyor and pass orders within a period of three months from the date of receipt of a copy of this order.

7. With the above observations and directions, the Writ Petition is dismissed. There shall be no order as to costs.

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CS



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P.VELMURUGAN, J

CS

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