



WEB COPY



W.P.No.11087 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.11087 of 2024
and W.M.P.Nos.12165 & 12166 of 2024

1.S.R.Muthusamy
2.M.Ravichandran

... Petitioners

Vs.

- 1.The District Collector,
Tiruppur District,
Tiruppur 641 604.
- 2.The Assistant Director,
Survey and Land Records,
Tiruppur District Collector Office,
Tiruppur 641 604.
- 3.The Tahsildar,
Palladam Taluk Office,
Tiruppur District,
Tiruppur 641 664.
- 4.The Surveyor,
Palladam Taluk Office,
Tiruppur District,
Tiruppur 641 664.

... Respondents



W.P.No.11087 of 2024

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the third respondent in O.Mu.6321/2023/E1/C.A.Aa. Petition No.68/2022 dated 13.10.2023 and quash the same and consequently direct the respondents to conduct a survey at petitioners' lands in Survey Nos.262 and 254 situated at Naranapuram, Palladam Taluk, Tiruppur District in light of the provisions of Tamil Nadu Survey and Boundaries Act 1923 and in accordance with law.

For Petitioners : Mr.M.Loganathan
For Respondents : Mr.A.Selvendran, SGP for R1 to R4

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned orders passed by the third respondent in O.Mu.6321/2023/E1/C.A.Aa. Petition No.68/2022 dated 13.10.2023 and quash the same and consequently direct the respondents to conduct a survey at petitioners' lands in Survey Nos.262 and 254 situated at Naranapuram, Palladam Taluk, Tiruppur District in light of the provisions of Tamil Nadu Survey and Boundaries Act 1923 and accordance with law.

2. With the consent of both sides, this Writ Petition is disposed of



W.P.No.11087 of 2024

at the admission stage itself.

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3. The grievance of the petitioners is that they purchased the subject property in the year 1972 and in possession of the same. When the application has been earlier given to survey the land, the impugned order has been passed on 13.10.2023, refusing to survey the land on the ground that the petitioners are not in possession of the entire extent purchased by them. Hence, this Writ Petition.

4. Heard Mr.M.Loganathan, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for the respondents.

5. This Court is of the view that when the petitioners had applied for survey, it is the duty of the authorities to do the survey and it is not the concern of the authorities as to the possession of the property. Only as per the documents, surveying the land has to be done and the boundaries has to be fixed. In such view of the matter, the respondents shall survey the



W.P.No.11087 of 2024

land and fix the boundaries after giving notice to the persons who are all in occupation of the said land. Such exercise shall be done by the respondents within a period of two months from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is allowed and the impugned order passed by the third respondent in O.Mu.6321/2023/E1/C.A.Aa.Petition No.68/2022 dated 13.10.2023 is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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N.SATHISH KUMAR, J.

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