



W.P No.30074 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

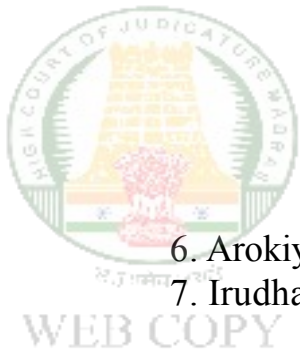
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Arulappan

...Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Kallakurichi.
2. The Assistant Director/
Survey & Land Records Department,
Kallakurichi.
3. The Taluk Tashildar,
Office of the Taluk Tashildar,
Sankarapuram Taluk,
Kallakurichi District.
4. The Head Surveyor/Firka Surveyor,
Office of the Revenue Tahsildar,
Sankarapuram Taluk & Post,
Kallakurichi District.
5. The Inspector of Police,
Sankarapuram Police Station,
Sankarapuram,
Kallakurichi District.



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6. Arokiyasamy
7. Irudhaiyamarry

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the official respondents 3 and 4 to conduct the survey of the entire extent of land measuring 1.14 cents Survey No.57 in Viriyur Village, Sankarapuram Taluk, Kallakurichi District and demarcate the boundaries by availing the assistance of the 5th respondent in the event of any obstruction from the Private Respondents, within a time period to be stipulated by this Court.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.G.Krishna Kumar, for R1 to R4
Additional Government Pleader

Mr.S.Sugendran, for R5
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents 3 & 4 to conduct survey of his property to the entire extent of land measuring 1.14 cents



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in S.No.57 in Viriyur Village, Sankarapuram Taluk, Kallakurichi District and demarcate the boundaries by availing the assistance of the fifth respondent.

2. It is the case of the petitioner that he purchased 69 cents of land in S.No.57/2 under a registered sale deed dated 03.02.2021 from Yacobu. The petitioner submitted an application before the third respondent seeking survey of the land purchased by him in S.No.57/2 (now New S.No.57/2B). It is seen from the order passed by the third respondent in his proceedings in Na.Ka.No.3/F.L.No./001579/2024 dated 20.08.2024 that in response to the application filed by the petitioner seeking survey of the above mentioned land, survey was under taken. The petitioner was not satisfied with the survey made by the third respondent and refused to sign the acknowledgment. Therefore, the third respondent recorded the non-cooperation of the petitioner and directed him to file an appeal if he is not satisfied with the survey made in respect of the subject property.

3. The petitioner without filing an appeal as per the direction issued by the third respondent in his order dated 20.08.2024, has approached this Court seeking a direction to the respondents 3 & 4 to survey the entire



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extent of the land situated in S.No.57. As per the request made by the petitioner, property purchased by the petitioner in S.No.57/2 was measured and boundaries were fixed by the third respondent. If the petitioner is not satisfied with the survey made by the third respondent, he has to file an appeal before the Appellate Authority namely District Surveyor by paying necessary charges. The petitioner is not entitled to approach this Court seeking a direction to survey the entire extent in the survey number.

4. Therefore, this Court is not inclined to issue any positive direction to the respondents 3 & 4 and accordingly, this Writ Petition is dismissed. However, it is open to the petitioner to avail appeal remedy before the Appellate Authority namely, District Surveyor in the manner known to law. No costs.

15.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To



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S.SOUNTHAR, J.

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