



W.P.No. 32908 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 32908 of 2024

Kandsamy

... Petitioner

Vs

The Tahsildar
Omalur Taluk
Salem District

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondent herein to undertake survey of the petitioner's landed property in S.No. 19/5C1 (0.12.5 Hectares, 0.35 cents) and Survey No.35/1A (0.34.5 Hectares, 0.85 cents) at Thekkampatti Village, Omalur Taluk, by considering the petitioner's representation dated 18.07.2024 within the limited time frame.



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For Petitioner : Mr.G.Punniakoti
For Respondent : Mr.R.P.Murugan Raja
Government Advocate

ORDER

Challenging the refusal to survey the suit property, the petitioner is before this Court.

2. It is the case of the petitioner that he had purchased properties measuring an extent of 0.12.5 hectares in Survey No.19/5C1 and 0.34.5 hectares in S.No.35/1A at Thekkampatti Village, Omalur Taluk, Salem District, and has been in continuous possession and enjoyment of the same since 1998. He has also obtained patta for the said lands vide Patta No.68. According to the petitioner, the above property which he had purchased, shows a pathway and he has been facing objection from the villagers. Hence, he made a representation to the Sub Collector, Mettur on 30.11.2023, to survey the property. The



Sub Collector vide his proceedings dated 23.01.2024 had directed the respondent to conduct field inspection, for which purpose, necessary fees had been paid by the petitioner as early as on 18.07.2024. However, till date, despite several requests, the respondent has not come forward to survey his lands. Hence, the petitioner is before this Court.

3. Heard the learned counsels on the either side and perused the records.

4. Considering the facts and circumstances of the case and the directions of the Sub Collector vide his proceedings dated 23.01.2024, a mandamus is issued to the respondent to conduct a survey of the petition mentioned properties. The petitioner shall submit all the relevant records to show his title to the properties and the respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either



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surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is allowed. No costs.

12.11.2024

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
srn

To:

The Tahsildar
Omalur Taluk
Salem District.



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P.T.ASHA, J.,

srn

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