



WEB COPY



WP.No.34274 of 2024

In the High Court of Judicature at Madras

Dated : 21.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34274 of 2024

S.P.Selvaraj

...Petitioner

Vs

1.The Tahsildar, Office of the
Tahsildar, Salem West,
Salem.

2.The Surveyor, Salem West,
Salem City, Salem.

3.The Inspector of Police,
Kondalampatti Police Station,
Salem-10.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 and 2 herein to survey the property comprised in S.F.Nos.450/3 and 450/12 at 73, Puthur Agraharam Village in Patta No.377 with the aid of the third respondent by considering the representations of the petitioner herein dated 17.8.2015 and 24.9.2024 within a reasonable time as fixed by this Court.

For Petitioner : Mr.R.Nalliappan
For Respondents : Mr.A.Selvendran, SGP

ORDER



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Seeking a direction to respondents 1 and 2 to consider his representations dated 17.8.2015 and 24.9.2024 to conduct a survey in respect of the land in S.F.Nos.450/3 and 450/12 at 73, Puthur Agraharam Village in Patta No.377 with the aid of the third respondent during the survey, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The petitioner would contend that he is the absolute owner of the property comprised in S.Nos.444/1, 450/5, 450/6, 450/7, 450/8, 450/3, 450/12 and 446 at 73, Puthur Agraharam Village, Salem District. He acquired the said property by way of a partition deed dated 20.10.2014 vide doc.No.3282 of 2014 on the file of the Sub-Registrar, Veerapandi. The first respondent issued Patta No.377 in respect of S.Nos.450/3 and 450/12. On the souther side of the property in S.No.450/12, there exists a panchayat road, which is the only access to reach the other property belonging to the petitioner including S.No.450/3.



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4. Even on 17.8.2015, the petitioner made an application to the first respondent to conduct a survey. He also paid necessary charges. However, no steps were taken. Therefore, once again, the petitioner made a representation dated 24.9.2024 to respondents 1 and 3 and also the Commissioner of Police, Salem seeking to conduct a survey and sub-division in respect of S.No.450/12. But, nothing was forthcoming. Hence, the petitioner is before this Court.

5. As seen from the copy of the document enclosed along with the affidavit filed in support of the writ petition, the property in S.Nos.444/1, 446, 450/3, 450/5, 450/6, 450/7, 450/8 and 450/12 at 73, Puthur Agraharam Village, Salem District belongs to the petitioner. Hence, the petitioner sent the representation dated 24.9.2024 requesting the first respondent to conduct a survey and sub-division with the assistance of the police officials.

6. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the first respondent to conduct a survey of the property in S.F.Nos.450/3 and 450/12 at 73, Puthur Agraharam Village, Salem District. The petitioner shall submit all the relevant records to show his title to the property owned by him and the first respondent shall, after issuing notice to other interested



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parties, hold an enquiry and thereafter pass orders either surveying and subdividing the property or rejecting the request. If there is any disturbance while conducting the survey, the first respondent may approach the third respondent for necessary police protection. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. It is made clear that in the case of rejection, a speaking order shall be passed by the first respondent. No costs.

21.11.2024

To

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Salem.
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RS



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