



WEB COPY



WP.No.34209 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.34209 of 2024

A.Kalayana Sundaram

...Petitioner

Vs

1.The District Collector,
District Collector Office,
Cuddalore District.

2.The Tahsildar, Kurinjipadi
Taluk, Cuddalore District.

3.The Deputy Superintendent of
Police, District Superintendent
Office, Sub-Division,
Neyveli, Cuddalore District.

4.The Land Surveyor,
Kullanchavadi, Kurinjipadi
Taluk, Cuddalore District.

5.The Inspector of Police,
Kullanchavadi Police Station,
Cuddalore District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to conduct the survey and fix the four boundaries of the petitioner's property bearing patta No.3704 in Survey No.379/1A comprised in 0.03.0 ares of agricultural land situated at Puliur Village,



WP.No.34209 of 2024

Kullanchavadi, Kurinjipadi Taluk, Cuddalore District and to consider and dispose of his application No.2024/0123/18/002384 dated 07.5.2024 and also direct the 5th respondent to give adequate police protection to survey his land.

For Petitioner : Mr.D.Padmanabhan
For Respondents : Mr.A.Selvendran, SGP

ORDER

Seeking a direction to the second respondent to consider his online application dated 07.5.2024 to conduct a survey in respect of the land bearing patta No.3704 in Survey No.379/1A comprised in 0.03.0 ares of agricultural land situated at Puliur Village, Kullanchavadi, Kurinjipadi Taluk, Cuddalore District and a direction to the fifth respondent to give adequate police protection 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 his father acquired the said property by way of a sale deed dated 08.5.1992 vide doc.No.514 of 1992 on the file of the Sub-Registrar, Kullanchavadi. His father passed away on 25.8.2021 leaving behind him his wife, his son - the



WP.No.34209 of 2024

petitioner and his daughter as the surviving legal heirs. Thereafter, the petitioner's mother and his sister executed a release deed dated 05.9.2023 vide doc.No.2102 of 2023 on the file of the same Sub-Registrar in favour of the petitioner. Pursuant to the execution of the said release deed, the petitioner has become the absolute owner of the said property and is in possession and enjoyment of the same.

4. In order to find out the boundaries, the petitioner applied to the second respondent through online on 07.5.2024 to the second respondent seeking to conduct a survey in respect of the said property. As it did not evoke any response, the petitioner is before this Court.

5. As seen from the copies of the documents enclosed along with the affidavit filed in support of the writ petition, the said property belongs to the petitioner. Hence, the petitioner requested the second respondent to conduct a survey by making the application dated 07.5.2024. The petitioner also paid necessary fees.

6. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to conduct a survey of the said property. The petitioner shall submit all



WP.No.34209 of 2024

the relevant records to show his title to the said property and the second respondent shall, after issuing notice to the interested 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 second respondent may approach the fifth 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 second respondent. No costs.

21.11.2024

To

- 1.The District Collector,
District Collector Office,
Cuddalore District.
- 2.The Tahsildar, Kurinjipadi
Taluk, Cuddalore District.
- 3.The Deputy Superintendent of
Police, District Superintendent
Office, Sub-Division,
Neyveli, Cuddalore District.
- 4.The Land Surveyor,
Kullanchavadi, Kurinjipadi
Taluk, Cuddalore District.
- 5.The Inspector of Police,
Kullanchavadi Police Station,
Cuddalore District.



WEB COPY



WP.No.34209 of 2024

P.T.ASHA,J

RS

WP.No.34209 of 2024

21.11.2024