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WP.No.35072 of 2024

In the High Court of Judicature at Madras

Dated : 29.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35072 of 2024

Ganesan

Vs

...Petitioner

1.The District Collector, Office
of the Collectorate, Salem
District.

2.The Tahsildar, Salem,
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to consider the application dated 26.6.2024 submitted on behalf of the petitioner and pass appropriate orders thereof to survey the land of the petitioner within a time limit that may be specified by this Court.

For Petitioner : Mr.M.Elumalai
For Respondents : Mr.E.Balamurugan, GA

ORDER

Seeking a Mandamus to the second respondent to consider the



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application dated 26.6.2024 for conducting a survey comprised in new S.No.113/2, new resurvey No.113/7 measuring an extent of 2 acres 25 cents out of 2 acres 74 cents together with pathway bearing patta No.396 at No.172, Kuppanur Village, Salem Taluk and District, the petitioner is before this Court.

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

3. The petitioner would contend that he purchased the said property under a registered sale deed dated 20.10.1999 vide doc.No.976 of 2000 on the file of the Sub-Registrar, Ayodhya Pattinam. After the purchase, the petitioner obtained a joint patta. Subsequently, a separate patta was issued in the name of the petitioner. But, the land owned by the petitioner was not surveyed. On behalf of the petitioner, his daughter in law made an online application on 26.6.2024 to the second respondent to conduct a survey. She also paid the necessary fees. Even though an intimation was sent by the second respondent on 11.9.2024 fixing the survey on 16.9.2024, none had turned up. Hence the writ petition.

4. The fact that the property belongs to the petitioner is seen



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from the narration in the affidavit filed in support of the writ petition.

Since the petitioner purchased the subject property, on behalf of him, a request was made to the second respondent for conduct a survey and demarcating the land. However, there has been no response.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to conduct survey of the subject property. The petitioner shall submit all the relevant records to show his title to the subject property and the second respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders either surveying and subdividing the property or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

29.11.2024

To

1.The District Collector, Office
of the Collectorate, Salem
District.

2.The Tahsildar, Salem,
Salem District.

RS



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P.T.ASHA,J

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