



W.P.No. 35703 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 35703 of 2024

Madhanbalaji

...Petitioner

Vs.

1.The District Collector
Salem District,
Salem.

2.The Revenue Divisional Officer,
Mettur,
Salem District.

3.The Tahsildar
Mettur Taluk,
Salem District.

4.The Inspector of Police
Karumalaikoodal Police Station,
Salem District.

5.A.Sudharajan

...Respondents



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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the 3rd respondent to survey and point out the field boundaries of petitioner property comprised in Survey Numbers 418/1A, 418/1B at Gonur East Village, Mettur Taluk, Salem District, to an extent of 78 1/2 cents by fixing stones, issue separate patta in favor of the petitioner with police aid at the time of survey and setting up the fencing to the petitioner's above said property in pursuance of this online application dated 07.08.2023.

For Petitioner : Mr. C.Deepak Kumar

For Respondents : Mr. R.P.Murugan Raja
1 to 3 Government Advocate

For Respondent 4 : Mr. R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

The Writ Petition is filed for the following relief:

*“To direct 3rd respondent to survey and point out
the field boundaries of petitioner property comprised in
Survey Numbers 418/1A, 418/1B at Gonur East Village,*



Mettur Taluk, Salem District, to an extent of 78 1/2 cents by fixing stones, issue separate patta in favor of the petitioner with police aid at the time of survey and setting up the fencing to the petitioner's above said property in pursuance of this online application dated 07.08.2023”.

2. On 07.08.2023, the petitioner made an application to the 3rd respondent for survey and fix the boundaries of the subject property. On 28.05.2024, the 3rd respondent fixed a date for surveying the property and on the said date, the Surveyor visited the subject property and informed the petitioner that there is an objection for surveying the property by the 5th respondent. Therefore, survey cannot be conducted. Hence, the Writ Petition.

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



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4. The 3rd respondent should have considered the objections and passed orders thereon without abandoning the survey. Therefore, in these circumstances, the 3rd respondent is directed to consider the petitioner's representation and conduct survey of the subject property. The petitioner shall submit all the relevant records to show his title to the property and the 3rd respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The said exercise shall be completed within a period of 6 weeks, from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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