



WEB COPY

W.P. No.45 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.45 of 2024

S.Rajagopal

... Petitioner

Vs.

1. The Tahsildar
Sankarapuram - 606 401
Kallakurichi District

2. The Assistant Director
Survey and Settlement Department
Sankarapuram Taluk
Kallakurichi District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to survey the land to an extent of 0.48 acres comprised in Survey No.104/10 situated at Kattuvannajur Village, Sankarapuram Taluk, Kallakurichi District and to issue Patta to the petitioner within the time to be stipulated by this Court based on the representation dated 01.06.2023.

For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER



This Writ Petition is filed seeking a Writ of Mandamus directing the 1st respondent to survey the land to an extent of 0.48 acres, comprised in Survey No.104/10, situated at Kattuvannajur Village, Sankarapuram Taluk, Kallakurichi District and to issue Patta to the petitioner within the time as may be fixed by this Court, based on the representation dated 01.06.2023.

2. The contention of the petitioner is that the petitioner in order to survey his land and to obtain Patta, had approached the 1st respondent and he had also paid necessary charges thrice viz., on 28.07.2021 vide Challan No.20210728273687, on 23.11.2022 vide Challan No.20221123007875 and on 26.04.2023 vide Challan No.20230426008288. But the respondents had not taken any steps to survey his land. Hence, the petitioner sent a representation dated 01.06.2023 to the 1st respondent and the copy of the same was also sent to the 2nd respondent and also to the District Collector, Kallakurichi. In fact, the District Collector, Kallakurichi, vide his communication dated --06.2023 and 26.06.2023, had directed the authorities to take steps on the petitioner's representation and to inform to the petitioner. However, so far, the petitioner has not received any response from the respondents. Therefore, the petitioner is constrained to approach this Court by



way of this Writ Petition.

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3. Heard and perused the materials available on record.

4. It is seen that even after the District Collector, Kallakurichi, has given a direction to the 1st respondent, the 1st respondent has not initiated any action to consider the petitioner's representation which clearly shows the lethargic attitude of the 1st respondent.

5. Under the above said circumstances and also taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the 1st respondent comply with the reference made by the District Collector, Kallakurichi, dated 26.06.2023. Further, the 1st respondent is directed to consider the petitioner's representation/application dated 01.06.2023 and if the same is otherwise in order, issue notice to the petitioner, adjacent land owners of the four boundaries of the petitioner's land and rival claimants/interested parties/objectors if any, as the case may be and conduct enquiry in the manner known to law and if the petitioner is otherwise eligible, conduct survey and pass orders on merits and in accordance with law, within



a period of three months from the date of receipt of a copy of this order.

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6. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

08.01.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



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To

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Sankarapuram - 606 401
Kallakurichi District
2. The Assistant Director
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P.VELMURUGAN. J.

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