



W.P.No.39108 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 39108 of 2024

Xavier Selvanathan

...Petitioner

Vs.

1.The District Collector
District Collectors Office,
Dharmapuri - 636 705.

2.The Tahsildar
Dharmapuri Taluk Office,
Dharmapuri Taluk,
Dharmapuri District - 636 701.

3.The Head Surveyor
Dharmapuri Taluk Office,
Dharmapuri Taluk,
Dharmapuri District - 636 701.

4.The Firka Surveyor
Dharmapuri Taluk Office,
Dharmapuri taluk,
Dharmapuri District - 636 701.



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5.The Village Administrative Officer
K.Naduhalli Revenue Village,
Dharmapuri Taluk,
Dharmapuri District - 636 701.

6.The Inspector of Police
B1-Dharmapuri Town Police Station,
Dharmapuri Taluk,
Dharmapuri District - 636 701.

7.P.Ponnusamy

8.K.R.Sri Anandhi

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to conduct survey of the subject lands of the petitioner i.e. Manavari Punjai land comprised in K.Naduhalli Village Survey No.31/3 admeasuring an extent of 0.35.50 hectare or 88 cents in the K.Naduhalli Revenue Village of the Dharmapuri Taluk in the Dharmapuri District with the adequate aid of the 6th respondent and fix the boundary stones in the subject lands based on the survey application of the petitioner dated 26.07.2024.

For Petitioner : Mr. D.Senthil Kumar

For Respondents : Mr. M.R.Gokul Krishnan
Additional Government Pleader.



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ORDER

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The above Writ Petition has been filed seeking a mandamus to the respondents to survey the petitioner's property comprised in Survey No.31/3 admeasuring an extent of 0.35.50 hectare or 88 cents in the K.Naduhalli Revenue Village of the Dharmapuri Taluk in the Dharmapuri District.

2. It is the case of the petitioner that his father purchased the subject lands on 26.09.1990 vide sale deed No.1783 of 1990. Thereafter, the petitioner's father died in the year 2002. Since then the petitioner has been in continuous possession and enjoyment of the property. On 26.07.2024, the petitioner submitted an application for conducting a survey of the subject land. However, the respondents failed to survey the subject lands on the pretext of the pending civil suit in A.S.No.18 of 2023. Therefore, the Writ Petition.



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

4. Considering the facts and circumstances of the case, the 2nd respondent is directed to conduct survey of the subject property. The petitioner shall submit all the relevant records to show his title to the property and the 2nd 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 8 weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed. No costs.

20.12.2024

Index : Yes/No
Internet : Yes/No
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