



W.P(MD)No.678 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.678 of 2024

Mohanraj

... Petitioner

Vs.

The Tahsildar,
Srirengam Taluk,
Thiruchirappalli District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to survey the petitioner's land in survey number 124/5G, Koppu South Village, Srirengam Taluk, Thiruchirappalli District, as requested by him vide his application dated 18.07.2022.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondent : Mrs.K.Christy Theboral,
Addl. Government Pleader.



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ORDER

This writ petition is filed praying to issue a Writ of Mandamus, directing the respondent to survey the petitioner's land in survey number 124/5G, Koppu South Village, Srirengam Taluk, Thiruchirappalli District based on his application dated 18.07.2022.

2.The case of the writ petitioner is that the writ petitioner's father purchased lands in Old Survey No.339/5G (New Survey No.124/5G) measuring an extent of 50 cents vide registered sale deed dated 26.09.1983 (Document No.2444/1983) registered on the file of Sub Registrar, Srirengam. Pursuant thereto, the revenue record was mutated in the name of his father and patta was also changed in his father's name. After the demise of his father, the petitioner inherited the said property and he is possession and enjoyment of the same. Thereafter, the petitioner approached the respondent to survey the property by way of giving application on 18.07.2022 and he also paid the necessary fees. Based on the said application, the petitioner received survey notices on 25.02.2023



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and 06.11.2023. However, survey was not conducted. Therefore, the petitioner left with no other option filed the present writ petition.

3.The learned Additional Government Pleader appearing for the respondent would submit that based on the application of the petitioner, survey notice was issued on 16.11.2023. At this juncture, one Arul Selvan raised objection not to survey the property. The petitioner also given a letter stating that they will compromise the issue and survey can be conducted later. As per the said letter submitted by the petitioner, the respondent returned the petitioner's application. The learned Additional Government Pleader further submits that if the petitioner submits a fresh application, the respondent will conduct survey after issuing notice to the adjacent land owners.

4.It is seen from the materials on record that the revenue records are in the name of the petitioner. Considering the limited scope of the prayer, the respondent is directed to conduct survey after scrutinizing the application submitted by the petitioner and based on the relevant documents such as patta. The respondent will have to issue notice to the



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petitioner as well as adjacent land owners before conducting survey and further hold enquiry. During enquiry, objection can be received from the adjacent land owners. If the objections are without any basis, they can be rejected in toto. If the respondent finds the objections are having substance, he shall relegate the petitioner to move the jurisdictional Civil Court. If there is any law and order problem, the respondent can seek the aid of the jurisdictional police for conducting survey. Survey will be conducted within a period six weeks after service of notice on the adjacent land owners. After conducting survey, survey stones alone can be installed.

5.This writ petition is disposed of accordingly. No costs.

18.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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WEB COPY To:-

The Tahsildar,
Srirengam Taluk,
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V.BHAVANI SUBBAROYAN, J.

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