



W.P(MD)No.1423 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 24.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1423 of 2024

C.Veeramani Kumar

..Petitioner

Vs

1.The Assistant Director and Settlement,
District Land Survey Department,
Ramanthapuram District,
Ramanathapuram.

2.The Tahsildar,
Tahsildar's Office,
Paramakudi,
Ramanathapuram District.

3.The Head Surveyor,
Paramakudi,
Ramanathapuram District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey the land as requested by the petitioner in his representation dated 09.11.2023, within the stipulated fixed by this Court.



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For Petitioner :Mr.Chamundi Bose

For Respondents :Mr.A.Kannan,
Addl. Government Pleader.

ORDER

This writ petition is filed praying to issue a Writ of Mandamus, directing the respondents to survey the petitioner's land.

2.The learned counsel for the petitioner submits that the petitioner and his mother are owning lands in S.No.15, Parthibanoor, Ramanthapuram District. The petitioner's mother wants to settle her share in favour of the petitioner's sister. Therefore, the petitioner applied to the third respondent to conduct survey on 12.08.2022 by paying necessary charges. Since no action was taken thereon, the petitioner sent a representation to the first respondent on 18.07.2023. The first respondent forwarded the same to the second respondent. Even thereafter, no steps have been taken to measure the petitioner's property. Hence, the petitioner left with no other filed the present writ petition.



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3.The learned Additional Government Pleader appearing for the respondents on instructions, submitted that based on the application of the petitioner dated 13.03.2023, the third respondent went to the place to measure the property. Since prosopis juliflora trees are grown in the site in question, the third respondent could not measure the property. If the petitioner removes the same, the authorities will conduct survey.

4.Heard, Mr.Chamundi Bose, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader for the respondents.

5.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 second respondent is directed to conduct survey after scrutinizing the application submitted by the petitioner and based on the relevant documents such as patta. The second respondent will have to issue notice to the 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 second respondent finds the objections are having substance, he shall relegate the petitioner to move the jurisdictional Civil Court. If there is any law



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and order problem, the second respondent can seek the aid of the jurisdictional police for conducting survey. The petitioner will have to remove prosopis juliflora trees and bushes in the said land. 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.

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

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Index : Yes/No
Internet: Yes/No
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