



W.P.(MD).No.2149 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2149 of 2024

S.Palaniappan

... Petitioner

vs.

The Thasildhar,
Theni,
Theni District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to survey the petitioner's land in Survey Nos.229/2A1A & 230/A situated at Bodhipuram Village, Unchampatti, Theni, Theni District respectively and fix its boundaries as per the revenue records by considering the petitioner's representation dated 04.01.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

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



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent to survey the petitioner's land in Survey Nos.229/2A1A & 230/A situated at Bodhipuram Village, Unchampatti, Theni, Theni District, respectively and fix its boundaries as per the revenue records by considering the petitioner's representation dated 04.01.2024, within a stipulated period.

2. The case of the petitioner is that the property in Survey Nos.229/1A1A & 230/A situated at Bodhipuram Village, Unchampatti, Theni, Theni District, is an ancestral property of the petitioner and the petitioner is in possession and enjoyment of the said property along with his family members. In order to demarcate his property and to fix boundaries, the petitioner has made an application before the respondent on 05.07.2023 and he has also paid the requisite charges. However, no action was taken by the respondent. Hence, the petitioner has made a representation before the respondent on 04.01.2024. The said representation has not been considered till date. Hence, the petitioner has filed this writ petition with the aforesaid prayer.



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3. The learned Additional Government Pleader appearing for the respondent, on instructions, would submit that the property in Survey Nos. 229/1A1A & 230/A have been sub-divided and there are eight sub-divisions and patta has also been issued in favour of a third person and the petitioner has also made a request to cancel the bogus patta. Therefore, the authorities are not in a position to survey the land. However, based on the request of the petitioner, enquiry has been conducted and the same has not been completed. The learned Additional Government Pleader would further submit that after completion of enquiry, appropriate orders will be passed.

4. Considering the said submissions, this Court, without expressing any opinion on the merits of the matter, directs the respondent to consider the petitioner's representation, dated 04.01.2024 and pass appropriate orders, after conducting enquiry and after providing opportunity to all the parties concerned, on merits and in accordance with law, within a period of sixteen weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of.

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No costs.

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Index:Yes/No
NCC:Yes/No
PM

To

The Thasildhar,
Theni,
Theni District.



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V.BHAVANI SUBBAROYAN,J.

PM

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