



WEB COPY



W.P(MD)No.2249

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2249 of 2024

R.Muthu Nayakkan (A) Muthu

... Petitioner

Vs

1.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

2.The Taluk Surveyor,
Ethilodu Village Administrative Office,
Nilakottai Taluk,
Dindigul 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 respondent to carry out survey, measurement and demarcation of boundaries of the agricultural land measuring to an extent of 5 cents, comprised in Survey No.262/7 situated at Muthualapuram, Ethilodu Village, Nilakottai, Dindigul District by considering the petitioner's representation, dated 28.03.2023.

For Petitioner : Mr.P.Sathishkumar

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to carry out survey, measurement and demarcation of boundaries of the agricultural land measuring to an extent of 5 cents, comprised in Survey No.262/7 situated at Muthualapuram, Ethilodu Village, Nilakottai, Dindigul District by considering the petitioner's representation, dated 28.03.2023.

2. By consent, this writ petition is disposed of at the admission itself.

3. Heard Mr.P.Sathishkumar, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents.

4. According to the petitioner, he is absolute owner of the agricultural land measuring to an extent of 5 Cents, comprised in Survey No.262/7 situated at Muthualapuram, Ethilodu Village, Nilakottai, Dindigul District. He is in absolute possession and enjoyment of the property without any hindrance. At this Juncture, on 23.08.2022, he made a payment through online to conduct survey, measurement and demarcation of the above said property. After receipt of the payment, the respondents called upon the adjacent land owners of his property to make their appearance on 03.11.2022. Accordingly, the petitioner and the adjacent land owners were present in the property, at that time, the Firka Surveyor came to the spot and



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went back without conducting any survey. Hence, the petitioner has sent a representation to the Tahsildar, Vendasandur Taluk and the Taluk Surveyor, Vendasandur Taluk on 28.03.2023 and he has also paid necessary fee of Rs.800/- towards survey fee. Since, the respondents did not take any steps to survey the property, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Additional Government Pleader appearing for the respondents would submit that appropriate direction may be given to the respondents to consider the petitioner's application, dated 28.03.2023, in accordance with law, within a time frame.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's application dated 28.03.2023 and after issuing notice and affording an opportunity to the parties concerned, conduct survey in their presence and demarcate the lands in Survey No.262/7 situated at Muthualapuram, Ethilodu Village, Nilakottai, Dindigul District and pass orders in accordance with law and communicate the decision taken by the respondents to the petitioner and others concerned. Such exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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7.This Writ Petition stands disposed of with the above directions. No costs.

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Index : Yes/No

Internet : Yes/No

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05.02.2024

To

1.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

2.The Taluk Surveyor,
Ethilodu Village Administrative Office,
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V.BHAVANI SUBBAROYAN, J.

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