



W.P.(MD)No.16092 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.16092 of 2023

Vijayavalli

... Petitioner

Vs.

1.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Taluk Office,
Sankarankovil Kaspas,
Sankarankovil,
Tenkasi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to conduct re-survey of the petitioner's land in S.Nos.81/3 and 81/4 to an extent of 5 acres 3 cents situated at Vadikottai Village, Sankarankovil, Tenkasi District in the presence of the petitioner and to fix boundary stones by considering the petitioner's objection, dated 10.06.2023 within a time frame that may be fixed by this Court.



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For Petitioner : Mr.R.Ponkarthikeyan

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

This writ petition has been filed for a direction to the respondents 1 and 2 to conduct re-survey and to fix boundary stones of the petitioner's land in S.Nos.81/3 and 81/4, to an extent of 5 acres 3 cents, at Vadikottai Village, Sankarankovil, Tenkasi District, by considering the petitioner's objection, dated 10.06.2023.

2. With the consent of both parties, the writ petition is taken up for final disposal.

3. The petitioner as the absolute owner of the property comprised in S.Nos.81/3 and 81/4, to an extent of 5 acres 3 cents, at Vadikottai Village, Sankarankovil, Tenkasi District, filed an application before the first respondent on 22.06.2022, along with necessary fee for survey and demarcation of his lands. In pursuance of the petitioner's application, on 13.05.2023, the authorities with the help of Inspector of Police, Sankarankovil and Village Administrative



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Officer, surveyed the petitioner's land. The first respondent sent a communication on 30.05.2023, to the petitioner regarding the survey, which was conducted on 13.05.2023 and the petitioner objected to the survey vide his representation, dated 10.06.2023. As the petitioner's representation was not considered, the petitioner filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that though survey report was given to the petitioner on 30.05.2023, sketch was not given to him and therefore, he was not able to file statutory appeal.

5. The learned Government Advocate has now furnished the copy of the sketch and therefore, the learned counsel for the petitioner seeks liberty of this Court to file statutory appeal under Section 11 of the Act.

6. As the impugned sketch served on the petitioner only now, the petitioner is given liberty to file the statutory appeal under Section 11 of the Boundaries Act, against the survey report and sketch. It is seen that the petitioner filed the writ petition within the limitation period prescribed for filing appeal. Therefore, if the petitioner files the appeal within a period of 2 weeks, from the date of receipt of a copy of this order, the same shall be entertained



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without reference to limitation. If the petitioner files the appeal beyond the period of two weeks, it is open to the respondents to consider the issue of limitation also.

7. Accordingly, the writ petition stands disposed of with the above liberty. No costs.

10.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

- 1.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.
- 2.The Taluk Surveyor,
Taluk Office,
Sankarankovil Kaspas,
Sankarankovil,
Tenkasi District.



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N.MALA, J.

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