



W.P.(MD)No.6571 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.6571 of 2018
and W.M.P.(MD)No.6362 of 2018

S.Andavan

... Petitioner

versus

1. The Thasildar,
Nilakkottai Taluk,
Dindigul District.

2. The Head Surveyor,
Nilakkottai Taluk,
Dindigul District.

3. Gnanavel

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st and 2nd respondents to survey and to fix the boundary stones in the property having patta No.4885 comprised in S.No.154/1 measuring an extent of 5 acre and 12 cents situated in Viralipatti, Nilakkottai Taluk, Dindigul District.

For Petitioner : No appearance



WEB COPY



W.P.(MD)No.6571 of 2018

For R1 and R2 : Mr.R.Suresh Kumar,
Additional Government Pleader

For R3 : Mr.S.Rajasekar
for M/s.Lajapathy Roy Associates

ORDER

The petitioner claims that he derived title over the property in S.No.154/1 measuring to an extent of 5 acres and 12 cents situated in Viralipatti, Nilakkottai Taluk, Dindigul District, by way of a registered partition deed dated 10.07.1989. The 3rd respondent, who is none other than his brother's son, is disturbing with his peaceful possession and enjoyment of the property. Therefore, he has filed an application before the respondents 1 and 2, requesting them to conduct survey in S.No. 154/1. Since there was no response, the petitioner has filed this writ petition.

2. Today, when the matter is taken up for hearing, there is no representation for the petitioner.



W.P.(MD)No.6571 of 2018

3. The learned counsel appearing for the 3rd respondent submits that as against the 3rd respondent, the petitioner has filed a suit before the District Munsif Court, Nilakkottai, in O.S.No.39 of 2019 and the same is pending.

4. If any application is filed for conduct of survey, the Surveyor ought to have conducted survey, by issuing notice to the concerned parties and also to the objectors, if any, as contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act. Further, the conduct of survey would not confer any right or title to the parties.

5. Therefore, the respondents 1 and 2 shall conduct survey, after providing a notice to the concerned parties, as required under Section 10 of the Tamil Nadu Survey and Boundaries Act. If there is any objection from the parties, the respondents shall take a decision on the objections and thereafter, conduct survey within a period of six weeks from the date of receipt of a copy of this order.



W.P.(MD)No.6571 of 2018

WEB COPY 6. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

07.02.2024

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Thasildar,
Nilakkottai Taluk,
Dindigul District.
2. The Head Surveyor,
Nilakkottai Taluk,
Dindigul District.



WEB COPY



W.P.(MD)No.6571 of 2018

B.PUGALENDHI, J.

ogy

W.P.(MD)No.6571 of 2018

07.02.2024