



W.P(MD)No.18799 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.18799 of 2023

R.Anbarasu

.. Petitioner

-Vs-

1. The Tahsildar,
O/o. The Tahsildar,
Thirumangalam,
Madurai District.

2.The Taluk Surveyor,
Land Survey and Records,
Taluk Office, Thirumangalam,
Madurai District.

3.The Town Surveyor,
Taluk Office, Thirumangalam,
Madurai District.

4.Ponnusamy

.. Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent Nos.2 and 3 to survey the petitioner's land bearing Survey No. 20/3B to an extent of 52 cents situated at Alampatti, Melakottai,



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Thirumangalam Taluk, Madurai District and for demarcation of the boundaries based on the application dated 20.07.2023 submitted to them.

For Petitioner : Mr.G.Anto Prince

For Respondents : Mr.D.Gandhi Raj
Spl. Govt. Pleader
for R1 to R3

: Mr.A.John Vincent
for R4

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus directing the respondents 2 and 3 to survey the petitioner's land bearing Survey No.20/3B to an extent of 52 cents situated at Alampatti, Melakottai, Thirumangalam Taluk, Madurai District and for demarcation of the boundaries based on the petitioner's application dated 20.07.2023.

2. The grievance of the petitioner is that the petitioner is the title owner of the land bearing Survey No.20/3B to an extent of 52 cents situated at Alampatti, Melakottai, Thirumangalam Taluk, Madurai District. The 4th respondent had created forged sale deed for the scheduled property and preferred an appeal and the same was revoked by the Deputy Registrar.



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Thereafter, again the 4th respondent had filed a suit for permanent injunction as against the petitioner in O.S.No.170/2022 before the learned Additional District Munsif, Thirumangalam and he had not obtained any interim injunction or stay till date and the same is pending. But, the 4th respondent/neighbour restraining the petitioner from entering into the petitioner's land and not allowing him to survey his land. Hence, the petitioner had given an application dated 20.07.2023 to the 1st respondent for survey and settlement and the petitioner had paid all the estimated cost including the application fee. Since the said application is pending, the petitioner has come before this Court. He would further submit that it would suffice if the application of the petitioner is disposed of by the respondents, on merits and in accordance with law within the time stipulated by this Court.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the application of the petitioner and other appropriate documents will be considered in accordance with law.



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5. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the 1st respondent is directed to proceed further and pass appropriate orders on the application of the petitioner, dated 20.07.2023 on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

12.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
PJJ

To

1. The Tahsildar,
O/o. The Tahsildar,
Thirumangalam, Madurai District.

2. The Taluk Surveyor,
Land Survey and Records,
Taluk Office, Thirumangalam, Madurai District.

3. The Town Surveyor,
Taluk Office, Thirumangalam,
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V.BHAVANI SUBBAROYAN, J.

PJL

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