



W.P.(MD) No.20627 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20627 of 2024

S.Vijay

.. Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Taluk Surveyor,
Uthamapalayam Taluk Office,
Uthamapalayam,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 3rd respondent to survey the petitioner's property in Re-Survey No.369/1 situated at Theni District, Uthamapalayam Taluk, Muthalapuram village, Paramathevanpatti based on the petitioner's challan, dated 07.03.2024 within the time stipulated by this Court.

For Petitioner : Mr.H.Velavadhas



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For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the 3rd respondent to survey the petitioner's property in Re-Survey No.369/1 situated at Theni District, Uthamapalayam Taluk, Muthalapuram village, Paramathevanpatti based on the petitioner's challan, dated 07.03.2024.

2. The case of the petitioner is that the petition mentioned property was received by the petitioner as gift deed from his parents on 05.04.2017. On 07.03.2024, the petitioner had paid necessary fees to the Commissionerate of Survey and Settlement for conducting survey in the said property. Thereafter, notice has been sent to the adjacent owners instructing them to appear before the Village Administrative Officer on 01.04.2024. Despite their appearance, the survey has not been conducted on the said date. Thereafter, the 2nd respondent issued another notice, dated 22.03.2024 informing that the survey will be conducted on 10.08.2024. Since the same has not been conducted, the petitioner had



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sent a representation to the 1st respondent on 24.06.2024 requesting to conduct survey. Pursuant to the same, the 1st respondent has forwarded the same to the Superintendent of Police, Theni for giving police protection. Since the representation did not evoke any response, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as in March, 2024, a Mandamus is issued to the respondents to conduct survey and mark the boundaries in the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the respondents shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying and demarcating the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. Since the 1st respondent has requested for police protection while undertaking the



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survey, the Inspector of the jurisdictional police station shall, on request provide adequate police protection to the officials. The aforesaid exercise shall be completed on or before **27.09.2024**.

5. With the above directions, this Writ Petition stands allowed. No costs.

6. Post this case on 30.09.2024 under the caption “for reporting compliance”.

02.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
gbg

To

1. The District Collector,
Theni District.
2. The Tahsildar,
Uthamapalayam Taluk,
Theni District.
3. The Taluk Surveyor,
Uthamapalayam Taluk Office,
Uthamapalayam,
Theni District.



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P.T.ASHA, J.

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