



W.P.(MD) No.22081 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22081 of 2024

S.Siva

.. Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Agastheeswaram Taluk,
Nagercoil-629 001,
Kanyakumari District.

2.The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

3.The Town Surveyor,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.

4.M.Radhakrishnan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to survey the land and house in Old Survey No 2388, Town Survey no.



W.P.(MD) No.22081 of 2024

H7/51 New Town Survey No.76, Block No.12, Ward No.H, situated at Nagercoil South Town, Agastheeswaram Taluk, Kanniyakumari District by considering the survey fee paid on 14.11.2023 and petitioner's representations, dated 24.06.2024 and 16.08.2024 within a time stipulated by this Court.

For Petitioner : Mr.Syed Ali

For R1 – R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the respondents to conduct survey and mark the boundaries of the property comprised in Old Survey No 2388, Town Survey no. H7/51 New Town Survey No.76, Block No.12, Ward No.H, situated in Nagercoil South Town, Agastheeswaram Taluk, Kanniyakumari District by considering the survey fee paid on 14.11.2023 and petitioner's representations, dated 24.06.2024 and 16.08.2024.

2. The case of the petitioner is that the petition mentioned property originally belonged to one Harihara Iyyar and his son. They executed a



W.P.(MD) No.22081 of 2024

registered sale deed, dated 16.09.19 in favour of one Valliammai. In turn, the said Valliammai had executed a sale deed in favour of the petitioner's father. The said survey number has been subdivided as H7/50 and H7/51. During UDR survey, it is stated that Town Survey No.H7/50 is pathway. The 4th respondent encroached the said pathway and shifted the pathway into the petitioner's land. Hence, he made a complaint before the 1st respondent. During peace committee meeting, it was decided to survey the land. However, the survey has not been conducted. On 14.11.2023, the petitioner has made an application and has paid necessary fee for conducting survey.. The 3rd respondent has fixed the date of 28.11.2023 for conducting survey. However, the same was not conducted. Despite the petitioner has made several representations, the same were not considered. Hence, 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 November, 2023



W.P.(MD) No.22081 of 2024

WEB COPY

and the 3rd respondent had fixed a date for survey on 28.11.2023 a Mandamus is issued to the respondents 1 to 3 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. The aforesaid exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

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

18.09.2024

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

gbg



W.P.(MD) No.22081 of 2024

WEB COPY

To

- 1.The Tahsildar,
Tahsildar Office,
Agastheeswaram Taluk,
Nagercoil-629 001,
Kanyakumari District.
- 2.The Commissioner,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.
- 3.The Town Surveyor,
Nagercoil Municipality,
Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD) No.22081 of 2024

P.T.ASHA, J.

gbg

W.P.(MD) No.22081 of 2024

18.09.2024