



W.P.(MD) No.21437 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21437 of 2024

P.Vijaypandi

.. Petitioner

Vs.

1.The Tahsildar,
Melur Taluk Office,
Madurai District.

2.The Taluk Surveyor,
Melur Taluk Office,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents herein to conduct the Survey and demarcate in respect of petitioner's property comprised in Survey No.206/3 of an extent of 0-0-61.0 hectares situated at Block no. 5, Sökkampatti, Melur Town, Madurai District based on the petitioner's online Survey application, dated 21.08.2024 within a time stipulated by this Court.

For Petitioner : Mr.K.Rajesh



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For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the respondents herein to conduct the Survey and demarcate the petitioner's property comprised in Survey No.206/3 measuring an extent of 0-0-61.0 hectares situated at Block No.5, Sokkampatti, Melur Town, Madurai District based on the petitioner's online Survey application, dated 21.08.2024.

2. The case of the petitioner is that his father is the owner of the property under a valid settlement deed. His father was in possession and enjoyment of the same since then. After the demise of his father, he is in possession and enjoyment of the petition mentioned property. He has submitted applications on several occasion for conducting survey and fixing the boundaries. Since no action has been taken, finally he has submitted a fresh online application on 21.08.2024 along with necessary fee. However, no steps have been taken on the side of the respondents. Hence, the petitioner has approached this Court.



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3. It is informed by the learned counsel appearing for the petitioner that the neighbouring owner has already started construction. This would cause great hardship to the petitioner, if the neighbours were to construct on the petitioner's land. The total extent in question is just 1 cent.

4. Heard the learned counsel on either side.

5. Considering the request of the petitioner and also the fact that the adjacent owner has already started constructions, 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. The aforesaid exercise shall be completed within a period of two (2) weeks from today.



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

09.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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Note : Issue order copy on 09.09.2024.

To

1.The Tahsildar,
Melur Taluk Office,
Madurai District.

2.The Taluk Surveyor,
Melur Taluk Office,
Madurai District.



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P.T.ASHA, J.

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