



W.P.(MD) No.21415 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.21415 of 2024

Abdul Quaider

.. Petitioner

Vs.

The Tahsildar,
Tiruchendur Taluk,
Tiruchendur,
Tuticorin District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondent to survey and demarcate the boundaries of property situated in Survey Nos. 258/1A, 258/1B, 259/2, Kayalpatnam revenue Village, Tiruchendur taluk, Tuticorin district corresponding to patta No.1202 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahabook Athiff

For Respondent : Mr.P.Thambidurai
Government Advocate



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ORDER

This writ petition is filed for a mandamus to direct the respondent to conduct survey and mark the boundaries of the property in Patta No. 1202 comprised in Survey Nos.258/1A, 258/1B and 259/2 situated in Kayalpatnam revenue Village, Tiruchendur taluk, Tuticorin District.

2. The case of the petitioner is that he is serving as the Secretary of the Mahlarathul Quadiriya Sabha & Mahlarathul Quadiriya Arabic College and the petition mentioned property belongs to the said institution. The said institution is in possession and enjoyment of the said property since 1902. The patta is also stand in the name of the said institution in Patta No.1202. On 30.09.2021, the petitioner had submitted an application and has also paid necessary fee for conducting survey in the said property. Since no further action has been taken on the side of the respondent, the petitioner is before this Court.

3. It is informed by the learned Government Advocate that since the application filed on 30.09.2024 is not available with the respondent, a



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fresh application may be given by the petitioner.

4. Heard the learned counsel on either side.

5. Taking note of the fact that the earlier application filed by the petitioner on 30.09.2021 is not available, the petitioner is directed to make a fresh application along with the challan, dated 01.10.2021 and the challan shall be taken into account for considering the said application. On receiving such application, the respondent is directed to conduct survey and mark the boundaries in the petition mentioned property. The petitioner shall submit all the relevant records to show their title to the property and the respondent 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 six (6) weeks from the date of receipt of a copy of this order.



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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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To

The Tahsildar,
Tiruchendur Taluk,
Tiruchendur,
Tuticorin District.



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P.T.ASHA, J.

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