



W.P.(MD) No.22013 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22013 of 2024

Sendrayan

.. Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The Tahsildar,
Office of the Taluk Office,
Andipatti, Theni District.

3.The Head Surveyor,
Taluk Office,
Andipattai, Theni District.

4.The Inspector of Police,
Andipatti Police Station,
Theni District.

5.Eswari

6.Palpandi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing the respondents



W.P.(MD) No.22013 of 2024

No.2 and 3 to survey and demarcate petitioner's landed properties Survey No.2215/5D2 to an extent of 11.7 cents situated at Thimmarasanaickanur Bit-2, Andipatti Taluk, Theni District on the basis of the petitioner's application, dated 06.08.2024 after given necessary opportunity to the parties concerned within time frame as fixed by this Court and for other reliefs.

For Petitioner	:	Mr.B.Arun
For R1 – R3	:	Mr.D.S.Neduncheziyan Government Advocate
For R4	:	Mr.K.Sanjay Gandhi Government Advocate

ORDER

This writ petition is filed for a mandamus to direct the respondents 2 and 3 to conduct survey and mark the boundaries of the property comprised in Survey No.2215/5D2 measuring an extent of 11.7 cents situated in Thimmarasanaickanur Bit-2, Andipatti Taluk, Theni District on the basis of the petitioner's application, dated 06.08.2024.

2. The case of the petitioner is that the petition mentioned property originally belonged to one Raju from whom the petitioner's mother had



W.P.(MD) No.22013 of 2024

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purchased the same for valuable consideration on 29.08.1978 under a document no.1744 of 1978. She was in possession and enjoyment of the same since then. She had passed away on 14.05.2011. After her demise, the petitioner and other legal heirs are enjoying the said property. The respondents 5 and 6 are trying to encroach the property. Hence, the petitioner made a complaint to the 4th respondent. The 4th respondent has conducted an enquiry. Thereafter, on 06.08.2024, the petitioner had made an application to the respondents and had paid necessary fee for conducting survey in the said property. Since no further action has been taken on the side of the respondents, 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 August, 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



W.P.(MD) No.22013 of 2024

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 six (6) 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
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To

- 1.The District Collector,
Theni,
Theni District.
- 2.The Tahsildar,
Office of the Taluk Office,
Andipatti, Theni District.



W.P.(MD) No.22013 of 2024

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3.The Head Surveyor,
Taluk Office,
Andipattai, Theni District.

4.The Inspector of Police,
Andipatti Police Station,
Theni District.



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W.P.(MD) No.22013 of 2024

P.T.ASHA, J.

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W.P.(MD) No.22013 of 2024

18.09.2024