



W.P.(MD) No.22444 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22444 of 2024

S.Balkeesbegam

.. Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Tahsildar,
Office of the Tahsildar,
Melur Taluk,
Madurai District.

3.The Head Surveyor,
Office of the Tahsildar,
Melur Taluk,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to issue a FMB Sketch regarding with the petitioner property in Survey No.323/4 situated at Chokkalingapuram Village, Melur Taluk,



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Madurai District and consequently, directing the 3rd respondent to survey the land and fix the boundary stones in connection with the survey No. 323/4, by considering the petitioner's representation dated 15.03.2024 and 15.04.2024.

For Petitioner : Mr.K.Manoharan
For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

This writ petition is filed for a Mandamus, directing the first and second respondents to issue FMB Sketch regarding the petitioner's property in Survey No.323/4 situated at Chokkalingapuram Village, Melur Taluk, Madurai District and consequently direct the third respondent to survey the land and fix the boundary stones in connection with the Survey No.323/4, by considering the petitioner's representation dated 15.03.2024 and 15.04.2024.

2.The case of the petitioner is that the aforesaid property is in possession and enjoyment of the petitioner for the past 85 years. While so, he made an application before the second respondent for patta. Pursuant to which, the second respondent, by his proceedings dated



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22.09.2009, issued a Anumantha patta to the petitioner. In such circumstances, the petitioner started to do a renovation work in his aforementioned property. In the meanwhile, one of the adjacent land owners had informed that part of the petitioner's land was merged with his house site, so that, he opposed to do the construction work in the said property. Therefore, the petitioner made an online application on 15.03.2024 to the second and third respondents to survey the property and fix the boundaries. Thereafter, the third respondent issued a summon to the adjacent land owners and after conducting enquiry informed him that without having FMB Sketch, he could not be able to survey the properties. Therefore, he sent a representation on 15.04.2025 to the first respondent to issue FMB sketch to the aforementioned property. Since no steps have been taken, the present writ petition is filed.

3. Heard the learned counsel on either side.

4. Considering the request of the petitioner and also the fact that the petitioner has made several representations lastly on 15.04.2024 for



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issuance of FMB sketch, a Mandamus is issued to the first and second respondents to issue FMB Sketch with regard to the petitioner's property in S.No.323/4. The petitioner is directed to produce the said FMB Sketch to the third respondent and on receipt of the FMB Sketch, the third respondent is directed to conduct survey the petition mentioned property. The petitioner shall submit all the relevant records to show the title to the property and the third respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying 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 weeks from the date of receipt of a copy of this order.

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

23.09.2024

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



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To

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P.T.ASHA, J.

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