



W.P.(MD) No.5975 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

CORAM:

THE HONOURABLE MS.JUSTICE B.PUGALENDHI

W.P.(MD) No.5975 of 2017

T.Velsamy

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District, Tirunelveli.

3.The Assistant Director (Survey),
Tirunelveli District,
Tirunelveli.

4.The Tahsildar,
V.K.Pudur Taluk,
Tirunelveli District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 21.03.2017 and consequently direct the third respondent to do survey fix the boundary and to issue individual Patta in the petitioner's land within a time frame as may be fixed by this Court.



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For Petitioner : No appearance

For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a mandamus directing the respondents to conduct survey of the land comprised in Survey No.128 situated at Mavuliyoothu Village, Balapathira Ramapuram, V.K.Pudur Taluk, Tirunelveli District.

2. When this matter was listed for hearing on 29.01.2024 and today, there is no representation for the petitioner.

3. The learned Additional Government Pleader, based on the written instructions, submits that there was an objection by one Ravichandran, for conducting survey in the subject property. Therefore, the petitioner and the said Ravichandran were directed to produce the relevant documents. However, they have not produced any documents and therefore, the officials concerned are not in a position to proceed further with the survey.



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4. In the event, if there is any objection from a third party, the respondents ought to have conducted an enquiry as contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act and ought to have taken a decision and communicated the same to the petitioner.

5. In view of the above, this Writ petition is allowed with a direction to the respondents to conduct an enquiry as contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act and pass an appropriate order within a period of eight weeks from the date of receipt of a copy of this order. It is needless to mention that the parties are having an appeal remedy under Section 11 of the Tamil Nadu Survey and Boundaries Act, if they are aggrieved by the decision of the authorities concerned. No costs.

22.02.2024

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



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To

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B.PUGALENDHI,J

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