



W.P(MD)No.22922 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P(MD)No.22922 of 2024

A.Benedict

... Petitioner

Vs.

1.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

2.The Taluk Surveyor,
Killiyoor Taluk Office,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to survey the petitioner property in Re-Survey No.425 sub-division No.15B2 situated at Thangapattinam Village, Killiyoor Taluk after that Kanyakumari District based on the petitioner's challan, dated 16.08.2024 within the time stipulated by this Court pass such further or other orders as this Court.

For Petitioner : Mr.H.Velavadhas
For Respondents : Mr.P.Thambidurai
Government Advocate



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ORDER

The present Writ Petition is filed for a Mandamus seeking for a direction to the second respondent to survey the petitioner's property in Re-Survey No. 425 sub-division No.15B2 situated at Thangapattinam Village, Killiyoor Taluk after that Kanyakumari District based on the petitioner's challan, dated 16.08.2024.

2. It is the case of the petitioner that he is one of the owners in R.S.No. 425/15B2 situated at Painkulam Village, Vilancode Taluk, Kanyakumari District total extent of property as 23 cents (0.9.31 ares). The said property was purchased under a sale deed, dated 08.02.2011 from one Sabura Beeve, the petitioner and his two brothers joined the registered sale deed from his vendor. The petitioner submits that on 16.08.2024 he had paid a sum of Rs.860/- for surveying his property in R.S.No.425 sub-division No.15B2. Now his property is situated at Thangapattinam Village, Killiyoor Taluk. The petitioner further submits that he had received the patta on 05.08.2023, where his name along with his two brothers names were included in patta and the tax receipt was also changed in his name. The above said documents were produced before the



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respondents along with his survey application on 16.08.2024 which was received by the respondents who have not taken any step to survey his property. Now, the petitioner's elder brother John Bosco wants to construct the house in the same survey number and there was a delay in the survey of property. Hence, the present writ petition.

3. Heard the learned Counsels on either side.

4. Considering the request of the petitioner and also the fact that the petitioner has made his representations as early as in August, 2024, a mandamus is issued to the respondents to conduct survey and subdivide the petition mentioned property. The petitioner shall submit all the relevant records to show their 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 subdividing 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 four (4) months from the date of receipt of a copy of this order.



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5. With the above directions, this Writ Petition is allowed. No costs.

26.09.2024

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

To

1.The Tahsildar,
Killiyoor Taluk,
Kanyakumari District.

2.The Taluk Surveyor,
Killiyoor Taluk Office,
Kanyakumari District.



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P.T.ASHA, J.

BTR

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