



W.P.(MD) No.23510 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23510 of 2024

Perumal

.. Petitioner

Vs.

1.The Tahsildar,
Taluk Office, Nilakottai,
Dindigul District.

2.The Head Surveyor,
Taluk Office, Nilakottai,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to conduct Survey of S.No.730/1A, Patta No.7736 situated at Viralipatti Village, Nilakottai Taluk, Dindigul District on the basis of the petitioner's representation dated 07.09.2024 within a stipulated time to be fixed by this Court.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.D.S.Nedunchezian
Government Advocate



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ORDER

The petitioner has filed this writ petition for a mandamus to the respondents to conduct Survey of S.No.730/1A, Patta No.7736 situated at Viralipatti Village, Nilakottai Taluk, Dindigul District on the basis of the petitioner's representation dated 07.09.2024.

2. The case of the petitioner is that the property in S.No.730/1A, Patta No.7736 situate at Viralipatti Village, Nilakottai Taluk, Dindigul District, is his ancestral property. The petitioner's brothers Palsamy, Murugan, Veeran and sister Amsu executed a registered settlement deed in favour of the petitioner in respect of the above said property on 24.07.2024 and from that date, the petitioner is enjoying the same without any encumbrances. In these circumstances, the petitioner mortgaged the above said property before the Primary Agricultural Co-operative Credit Society, Viralipatti. In the mean time, the adjacent land owners tried to encroach upon his land. Therefore, the petitioner made an application on 07.09.2024 to the first respondent seeking survey of his land for which he has also remitted necessary fee. Since no action has been taken on the same, the petitioner is before this Court.



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3. Heard the learned counsel on either side.

4. Considering the limited prayer made by the learned counsel for the petitioner and also the fact that the petitioner has made his application only on 07.09.2024, the respondents are directed to consider the same as per seniority and dispose of the same as expeditiously as possible. However, notice of survey shall be issued to the adjacent land owners and survey shall be proceeded with after hearing their objections. In case, the survey is not going to be proceeded with, a speaking order shall be passed.

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

03.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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To

1.The Tahsildar,
Taluk Office,
Nilakottai,
Dindigul District.

2.The Head Surveyor,
Taluk Office,
Nilakottai,
Dindigul District.

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