



W.P.(MD) No.23458 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.23458 of 2024

M.Raja Vignesh

.. Petitioner

Vs.

1.The Tahsildar,
Periyakulam Taluk,
Theni District.

2.The Taluk Surveyor,
Periyakulam Taluk,
Theni District.

3.The Inspector of Police,
Thenkarai Police Station,
Periyakulam Taluk,
Theni District.

4.K.Muniyandi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2 to conduct Survey and filed measurement of the petitioner's property in Survey No.318/3A of Thenkarai Bit-I Village, Periyakulam



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Taluk, Theni District on the basis of the petitioner's application dated 09.07.2024 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.K.Sanjai Gandhi
Government Advocate

ORDER

Seeking a direction to respondents 1 and 2 to conduct Survey and filed measurement of his property in Survey No.318/3A of Thenkarai Bit-I Village, Periyakulam Taluk, Theni District on the basis of his application dated 09.07.2024, the petitioner is before this Court.

2. The case of the petitioner is that his maternal grandfather K.Kaliyamoorthy owned 7.5 cents (3 Ares) in S.No.318/3A of the abovesaid village. He would submit that on 30.06.2020, his grandfather had executed a registered Will allotting the 'B' Schedule property in S.No.318/3A measuring an extent of 7.5 cents in favour of the petitioner,



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his mother-Muthukumari, father-Maheswaran and brother-Senthamarai Kannan. While so, the petitioner's grandfather died on 29.05.2024. After the death of his grandfather, the said Will came into force. In this regard, the petitioner made an application on 06.06.2022 to respondents 1 and 2 for survey and demarcation of the lands. The Taluk Surveyor concerned has also visited the property on 07.06.2022, but the survey could not take place on the said date, as the same was prevented by the fourth respondent and his wife and henchman. Thereafter, the petitioner sent another representation on 13.09.2024. So far no action has been taken. Therefore, 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 on 07.06.2022 followed by another representation on 13.09.2024, a mandamus is issued to respondents 1 and 2 to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records



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to show his title to the property and respondents 1 and 2 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. When the authorities go for survey and when police protection is asked, the jurisdictional police shall provide the same. 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 directions, this Writ Petition is allowed. No costs.

03.10.2024

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

abr



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To

- 1.The Tahsildar,
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Theni District.
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- 3.The Inspector of Police,
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P.T.ASHA, J.

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