



W.P.(MD) No.23437 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23437 of 2024

Balu

.. Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Ilaiyangudi Taluk,
Sivagangai District.

2.The Surveyor,
Taluk Office,
Ilaiyangudi Taluk,
Sivagangai 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 survey and demarcate the petitioner's property comprised in Survey No. 423/2, House Site No.18, situated at Sothugudi Village and Group, Ilaiyangudi Taluk, Sivagangai District, by considering the petitioner's representation dated 20.08.2024, within the stipulated time to be fixed by this Court.



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For Petitioner : Mr.K.Malaimaran
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition has been filed for the following relief:

“For the reasons stated in the accompanying Affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ or Order or Direction more fully in the nature WRIT OF MANDAMUS to direct the Respondents to survey and demarcate the petitioner's property comprised in Survey No.423/2, House Site No.18, situated at Sothugudi Village & Group, Ilaiyangudi Taluk, Sivagangai District, by considering the petitioner's representation dated 20.08.2024, within the stipulated time fixed by this Hon'ble Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.”



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2. The case of the petitioner is that he was allotted a free house site patta by the Government in S.No.423/2, House Site No.18, Sothugudi Village and Group, Ilaiyangudi Taluk, Sivagangai District. He would submit that in order to fix the correct measurement, he approached the respondents in person on number of occasions to survey and demarcate his property, but there is no action on the part of the respondents. The petitioner was already ready to pay the necessary fee for surveying his house site, which was refused by the first respondent. In this regard, the petitioner sent a representation to the respondents to survey and demarcate his property. But even thereafter, no response is forthcoming. Therefore, the petitioner filed W.P.(MD) No.19592 of 2024 before this Court seeking a direction to the second respondent to accept the fee from him and to survey and demarcate his property.

3. The petitioner would further submit that when the above writ petition came up before this Court on 16.08.2024, the same was dismissed on the ground that the petitioner has come to Court within 13 days after the filing of the application for survey, that too without paying



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the necessary charges. Thereafter, on 20.08.2024, the petitioner remitted a sum of Rs.800/- before the first respondent and also sent a representation for surveying and demarcating the above property. Even after receipt of his representation, there is no action forthcoming on the part of the respondents. Hence, this writ petition.

4. Heard the learned counsel on either side.

5. Considering the fact that the petitioner has already approached this Court for surveying the petitioner mentioned property, which was dismissed for the reason that the petitioner has not paid the requisite fee, and also the fact that the petitioner has now paid the necessary charges, a mandamus is issued to the respondents to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his 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



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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.

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

01.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Tahsildar,
Taluk Office,
Ilaiyangudi Taluk,
Sivagangai District.

2.The Surveyor,
Taluk Office,
Ilaiyangudi Taluk,
Sivagangai District.



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P.T.ASHA, J.

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