



**WP(MD)No.24008 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.24008 of 2024**

**Sursesh Kumar**

**...Petitioner**

**Vs**

**1.The Tahsildar,  
Sivagiri Taluk,  
Tenkasi District.**

**2.The Firka Surveyor,  
Sivagiri Taluk,  
Tenkasi District.**

**...Respondents**

**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to survey and fix boundaries of the petitioner's land to an extent of 1.50 acres situated in S.Nos.335/2, 335/5B, 352/2 of Vishwanathperi Bit-2 village, Sivagiri Taluk, Tenkasi District as per the patta No.3604 /2023 dated 16.06.2023 on the file of the 1<sup>st</sup> respondent, Sivagiri, Tenkasi District and based on the petitioner's representation and fee remittance receipt dated 06.10.2023 submitted to the 1<sup>st</sup> respondent within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.S.P.Naveenkumar  
For Respondents : Mr.D.S.Nedunchezian,  
Government Advocate

### **ORDER**

The petitioner with a grievance that his application to conduct survey and to fix the boundaries of his land in S.Nos.335/2, 335/5B, 352/2 of Vishwanathperi Bit-2 village, Sivagiri Taluk, Tenkasi District has not been considered by the respondents has approached this Court.

2.When this application has been taken up for hearing, the learned Government Advocate appearing for the respondents submits that the petitioner was not available when they attempted to conduct survey, however he is not in a position to produce the copy of the notice issued to the petitioner for conducting survey on 28.11.2023.

3.This Court considered the rival submissions made.

4.Admittedly on 16.03.2023, the petitioner has made an application along with required fee for conducting survey. If the respondents had fixed



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the date for conducting survey, they ought to have issued notice to the petitioner informing the date of survey enabling him to be present at the time of survey. Without issuing notice to the petitioner, the respondents claim that the petitioner was not available, when they were about to survey the petitioner's land. This Court is not accepting the contention of the respondents and is inclined to allow this writ petition with a cost of Rs.10,000/-, however, based on the submission of the learned Government Advocate that survey would be conducted within a period of two weeks, this Court is not imposing cost.

5.In the result, this writ petition is allowed with a direction to the respondents to conduct survey within a period of two weeks from today after issuing notice to the petitioner enabling him to be present during the survey. No costs.

14.10.2024

Internet : Yes / No

Index : Yes / No

DSK



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To

- 1.The Tahsildar,  
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**B.PUGALENDHI.J.,**

**DSK**

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