



W.P.(MD) No.23542 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.23542 of 2024

T.Kanagaraj

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Elangulam Village,
Nanguneri Taluk,
Tirunelveli District.

3.The Firka Surveyor,
Elangulam Village,
Nanguneri Taluk,
Tirunelveli District.

4.Jeskarani Isravel

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second and third respondents to conduct survey and issue separate patta in respect of lands comprised in Survey No.262/A(2) measuring an extent of 18 cents



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situated at Elangulam Village, Nanguneri Taluk, Tirunelveli District, on the basis of petitioner's application dated 20.07.2022 within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Vishnuvardhan
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to direct the second and third respondents to conduct survey and issue separate patta in respect of lands comprised in Survey No.262/A(2) measuring an extent of 18 cents situate at Elangulam Village, Nanguneri Taluk, Tirunelveli District, on the basis of petitioner's application dated 20.07.2022.

2. The case of the petitioner is that the property in S.No.262/A(2) measuring an extent of 18 cents situate at Elangulam Village, Nanguneri Taluk, Tirunelveli District originally belonged to one Poonammal, wife of Kovilpillai Nadar and her son Ayyadurai. On 11.10.1962, the above said persons executed a registered sale deed in favour of the petitioner's



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mother Theresammal. On the strength of this sale deed, the petitioner's mother and father were put in absolute possession and enjoyment over the said property. After their demise, the property devolved on their legal heirs, which includes the petitioner and they are in possession and enjoyment of the same. Despite the same, the fourth respondent caused disturbance and made attempt to trespass over the land. In order to avoid the unnecessary chaos, the petitioner had decided to survey the land and fix boundaries for which he has requested the respondents *vide* his representation dated 12.08.2024. The petitioner has also made a representation dated 20.07.2022 on behalf of his family members and also remitted the fee. Since no action has been taken on the same, 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 20.07.2022, a mandamus is issued to the respondents to conduct survey and subdivision



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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 case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of four 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

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P.T.ASHA, J.

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