



W.P(MD)No.24259 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24259 of 2024

T. Kaliyappan

... Petitioner

Vs

1.The Tahsildar,
Peraiyur Taluk,
Madurai District.

2.The Taluk Surveyor,
Peraiyur Taluk,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to survey the land comprised in Survey No. 156/4 having an extent of 18 ½ cents situated at Mathakarai Village, Peraiyur Taluk, Madurai District.

For Petitioner

: Mr. T.Villavan Kothai

For Respondents

: Mr.P.Thambidurai

Government Advocate



W.P(MD)No.24259 of 2024

ORDER

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The petitioner with a grievance that his application, dated 01.08.2023, for conducting survey in his land in Survey No. 156/4, Mathakarai Village, Peraiyur Taluk, Madurai District to an extent of 18 ½ cents has not been considered by the respondents, has approached this Court.

2.Today(17.10.2024), when this writ petition is taken up for admission, the learned Government Advocate appearing for the respondents submits that there is a rival claim on the subject property and therefore, survey could not be conducted.

3.Even during admission, Mr.Kannan, learned counsel has appeared and seeks permission of this Court to file an impleading petition on behalf of the rival claimant, namely, Thavasi Thevar.



W.P(MD)No.24259 of 2024

WEB COPY

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner has submitted an application on 01.08.2023 for conducting survey in his land. It appears that by taking advantage of the similarity in the name of the petitioner's father, one Thavasi Thevar is also claiming right over the subject property. More over, in view of the objections raised by the rival claimant, the respondents have not conducted the survey.

6.In the event, if any objection is raised, the Survey Officer has to conduct an enquiry, as per Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and proceed further and an appeal remedy is also available under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923.

7.In view of the above, this writ petition is disposed of with a direction to the survey officer to conduct an enquiry as



W.P(MD)No.24259 of 2024

WEB COPY

contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and to pass suitable orders. The aggrieved party shall work out their remedy under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923. No costs.

17.10.2024

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

To

- 1.The Tahsildar,
Peraiyur Taluk,
Madurai District.
- 2.The Taluk Surveyor,
Peraiyur Taluk,
Madurai District.



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W.P(MD)No.24259 of 2024

B.PUGALENDHI, J.

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17.10.2024