



W.P.(MD) No.25196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25196 of 2024

T.J.Sethuram Babu

.. Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Executive Officer,
Courtallam Special Grade Panchayath,
Courtallam, Tenkasi District.

3.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

4.The Surveyor,
Tenkasi Taluk,
Tenkasi District.

5.K.S.Viswanathan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 3rd respondent to consider the petitioner's representation, dated 09.11.2023 to survey



W.P.(MD) No.25196 of 2024

and measure the petitioner's property situated in old survey No.23/2A, New S.No.23/2A 2A 1A 1A 1A 1A5 comprised in Plot No.I now bearing D.No.5, Lakshimipuram 1st East Street, Courtallam and the special grade Panchayath Ward No.6, Tenkasi Taluk, Thirunelveli District now Tenkasi District and the Plot No.I contains Northern side East West 90 ½ feet, Southern side East West 118 ½ feet, Western side South North 54 feet Eastern side South North 41 feet and totally 10 ½ Cents and subsequently the petitioner constructed the building with the boundaries are in North – Plot Nos.N, O, P, R Housing sites and 6 feet width channel within stipulated time may be fixed by this Court.

For Petitioner : Mr.T.R.Subramanian

For R1 – R4 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

This writ petition is filed for a mandamus to direct the 3rd respondent to consider the petitioner's representation, dated 09.11.2023 to survey and measure the petition mentioned property.

2. It is the contention of the petitioner that his wife had purchased the petition mentioned property and had constructed a building. He



W.P.(MD) No.25196 of 2024

WEB COPY

would submit that his wife had passed away on 02.05.2016 leaving behind her surviving her legal heirs who are her 3 sons, 1 daughter and her husband the petitioner. He has planned for further construction of the said building. Hence, he had made an application and has also paid necessary fee on 30.10.2023 for conducting survey. Since no action has been taken on the side of the respondents, the petitioner and his legal heirs had sent a representation on 09.11.2023. Despite the same has been received by the respondents, no action has been taken. Hence, the petitioner has approached this Court.

3. The learned Government Advocate would submit that neighbouring land owners have given their objection to survey the land.

4. Heard the learned counsel on either side.

5. Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as in October, 2023, a Mandamus is issued to the respondents 3 and 4 to conduct survey and



W.P.(MD) No.25196 of 2024

WEB COPY

mark the boundaries in the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the respondents 3 and 4 shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying and demarcating 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 eight (8) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition stands disposed of.

No costs.

23.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

gbg

To

1.The District Collector,
Tenkasi District.



W.P.(MD) No.25196 of 2024

WEB COPY

2.The Executive Officer,
Courtallam Special Grade Panchayath,
Courtallam, Tenkasi District.

3.The Tahsildar,
Tenkasi Taluk,
Tenkasi District.

4.The Surveyor,
Tenkasi Taluk,
Tenkasi District.



WEB COPY



W.P.(MD) No.25196 of 2024

P.T.ASHA, J.

gbg

W.P.(MD) No.25196 of 2024

23.10.2024