



W.P.(MD) No.25401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25401 of 2024

Murugan

.. Petitioner

Vs.

1.The Tahsildar,
Vedasendur Taluk,
Dindigul District.

2.The Firka Surveyor,
Vedasendur Taluk,
Dindigul District.

3.Veluchamy

4.Nagaiya

.. 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 four boundaries in survey Nos.124/2 (3 acres 37 cents) 124/1 (4 feet path way) situated at Velayuthampalayam Village, Vedasendur Taluk, Dindigul District based on the online application vide challan No.20230619007850, dated 19.06.2023 within stipulated time as fixed by this Court.



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For Petitioner : Mr.S.Sarvagan Prabhu
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to the respondents to survey and demarcate the four boundaries in survey Nos.124/2 (3 acres 37 cents) 124/1 (4 feet path way) situated at Velayuthampalayam Village, Vedasendur Taluk, Dindigul District based on the online application vide challan No.20230619007850, dated 19.06.2023.

2. The case of the petitioner is that he had purchased the petition mentioned property from the 3rd, 4th respondents and their mother. Since then, he has been in possession and enjoyment of the property. Since the 3rd and 4th respondents had prevented the petitioner from using the pathway, he had filed O.S.No.21 of 2008 before the Principal District Munsif Court, Vedasendur for declaration and injunction and the 3rd and 4th respondents had filed a suit in O.S.No.320 of 2007 before the Principal District Munsif Court, Vedasendur for permanent injunction.



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Both suits were tried together and after full-fledged trial, the trial Court had dismissed the suit filed by the 3rd and 4th respondents and allowed the suit filed by the petitioner.

3. After the judgment passed in the above suits, the petitioner had applied through online on 19.06.2023 for conducting survey. Despite on two occasions notices have been issued to conduct survey, the same has not been conducted by the revenue authorities. Therefore, the petitioner is before this Court.

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 June, 2023, a Mandamus is issued to the respondents 1 and 2 to conduct survey and 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 1 and 2 shall, after issuing notice to the adjacent land



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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 four (4) weeks from the date of receipt of a copy of this order.

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

25.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
gbg

To

- 1.The Tahsildar,
Vedasendur Taluk,
Dindigul District.
- 2.The Firka Surveyor,
Vedasendur Taluk,
Dindigul District.



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P.T.ASHA, J.

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