



W.P.(MD) No.25327 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25327 of 2024

M.Lakshmanan

.. Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Pudukkottai Taluk & Town,
Pudukkottai District.

2.The Town Surveyor,
Taluk Office,
Pudukkottai Taluk & Town,
Pudukkottai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to conduct survey and demarcate the petitioner's properties in Survey Nos. 383G and 383H situated at Nathampannai Mangulam, Pudukkottai Town, Pudukkottai Taluk, Pudukkottai District by considering the petitioner's representation dated 27.09.2024.

For Petitioner : Mr.A.Xavier Antony Samy



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For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition has been filed for a mandamus directing the respondents to conduct survey and demarcate the petitioner's properties in Survey Nos.383G and 383H situate at Nathampennai Mangulam, Pudukkottai Town, Pudukkottai Taluk, Pudukkottai District by considering the petitioner's representation dated 27.09.2024.

2. The case of the petitioner is that S.No.383G measures an extent of 15 cents of nanja land and S.No.383H measures an extent of 15 cents. In the year 2000, the Pudukkottai Municipality has taken 2900 sq. ft. of land from the petitioner's own land in the aforesaid survey numbers for the purpose of laying road to Sri Muthu Mariamman Temple, Thiruvappur, Pudukkottai District. The petitioner would submit that without issuing notice to him, the same has been published in the Government Gazette and when he objected for the laying of road, he got the issue settled by way of an alternative land being allotted to him. An



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assurance in this regard was also given by the Municipal Administration.

However, after the road was laid, he was neither allotted alternative land nor paid compensation. In these circumstances, the petitioner has filed a suit in O.S.No.183 of 2003 on the file of the Sub Court, Pudukkottai. The learned Subordinate Judge, Pudukkottai passed an award of Rs.2,90,000/- towards compensation on 24.01.2014. At present execution petition is also pending in the above suit. The petitioner would further submit that 2900 sq. ft. of land was taken out of an extent of 4796 sq.ft. for the purpose of laying road and the remaining extent of 1896 sq.ft. lies vacant. It is to survey this extent of land, the petitioner made request to the second respondent for which he has also paid necessary fees on 22.11.2023. Since no action was taken, the petitioner sent a representation dated 27.09.2024 to the respondents to conduct survey, which also evoked no response. Aggrieved by the act of the respondents, the petitioner is before this Court.

3. Heard the learned counsel on either side.



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4. Considering the case of the petitioner and also the fact that the petitioner has made his application as early as on 22.11.2023 followed by a representation on 27.09.2024, a mandamus is issued to the respondents to conduct survey and subdivision of the remaining extent of land measuring 1896 sq.ft. 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.

24.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
abr



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To

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Taluk Office,
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Pudukkottai District.

2.The Town Surveyor,
Taluk Office,
Pudukkottai Taluk & Town,
Pudukkottai District.



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P.T.ASHA, J.

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