



W.P.(MD) No.25345 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.25345 of 2024

M.Arun Pradeep

.. Petitioner

Vs.

- 1.The District Collector,
Madurai,
Madurai District.
- 2.The Tahsildar,
Madurai North Taluk,
Madurai District.
- 3.The Head Surveyor,
Madurai North Taluk,
Madurai District.
- 4.The Taluk Surveyor,
Madurai North Taluk,
Madurai District.
- 5.The Inspector of Police,
Samayanallur Police Station,
Madurai.
- 6.Nageswari
- 7.Saravanan



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8.Nagarajan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing respondents No.2 and 3 to conduct survey and demarcate the boundaries of the petitioner's land situated in S.Nos.43/4, 43/6A and 43/8, Vayalur, Madurai North Taluk, Madurai District as per the Challan dated 18.08.2023 within the stipulated time to be framed by this Court.

For Petitioner	:	Mr.J.Udhayakumar
For R1 to R4	:	Mr.B.Saravanan Additional Government Pleader
For R5	:	Mr.K.Gnanasekaran Government Advocate (Crl. Side)

ORDER

This writ petition has been filed for a mandamus to direct respondents 2 and 3 to conduct survey and demarcate the boundaries of the petitioner's land situated in S.Nos.43/4, 43/6A and 43/8, Vayalur, Madurai North Taluk, Madurai District as per the Challan dated 18.08.2023.



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2. The case of the petitioner is that the lands in S.Nos.43/4, 43/6A and 43/8, Vayalur, Madurai North Taluk, Madurai District originally belonged to his grandmother, Muniammal, who acquired the same through Will and sale deed. Thereafter, the said Muniammal has executed a registered gift deed in favour of the petitioner and his brother viz., Praveen on 28.09.2015 and from the said date, they are in actual possession and enjoyment of the property. The petitioner would submit that since he and his brother decided to partition the lands, they took steps to conduct private survey. However, the private respondents without any substance created unwanted disputes. Hence, the petitioner decided to survey the property by remitting fees before the second respondent on his behalf and his brother along with challan dated 18.08.2023. But, even after lapse of a year, the officials respondents had not turned back to conduct survey. Therefore, 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, a mandamus is issued to respondents 2 and 3 to conduct survey and subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and the respondents 2 and 3 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

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P.T.ASHA, J.

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