



W.P.(MD) No.25976 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.25976 of 2024

Palanichamy

.. Petitioner

Vs.

1.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.

2.The Head Surveyor,
Ottanchathiram Taluk Office,
Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to measure the property in survey No.1540/5 situated at Kallimandayam Village, Ottanchathiram Taluk, Dindigul District to measure the petitioner's property based on the petitioner's survey receipt challan No. 20221121004612, dated 21.11.2022 within the period stipulated by this Court.

For Petitioner : Mr.T.Ramasamy



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For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus to the 1st respondent to measure the property in survey No.1540/5 situated at Kallimandayam Village, Ottanchathiram Taluk, Dindigul District based on the petitioner's survey receipt challan No.20221121004612, dated 21.11.2022.

2. The case of the petitioner is that the petition mentioned property was allotted by the Government to the petitioner's mother. After her demise, the petitioner and his sister have been in possession and enjoyment of the same. In order to construct a house in the Kalingar House scheme, the petitioner has given an application to the Panchayat. The village authorities instructed the petitioner to get separate patta in his name. Hence, he had made an application to subdivide the land and for separate patta. Since his sister refused to survey the land, he had made a criminal complaint against his sister on 18.11.2022. The police officials instructed the petitioner to pay necessary fee for surveying the land and thereafter, inform the same to the police station. Hence, the



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petitioner had paid necessary fee on 21.11.2022 for surveying the land.

Since there has been no further action on the side of the revenue officials, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. Considering that the request of the petitioner is to survey the lands in the subject survey number and also the fact that the petitioner has made his representation as early as in November, 2022, a Mandamus is issued to the respondents 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. The respondents shall issue notice to the petitioner's sister and the adjacent land owners / 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 six (6) weeks from the date of receipt of a copy of this order.



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

29.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

- 1.The Tahsildar,
Ottanchathiram Taluk,
Dindigul District.
- 2.The Head Surveyor,
Ottanchathiram Taluk Office,
Dindigul District.



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P.T.ASHA, J.

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