



W.P.(MD) No.26113 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.26113 of 2024

J.Mohamed Milkhan

.. Petitioner

Vs.

1.The Tahsildar,
Thiruvadanai Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.

2.The Head Surveyor,
Thiruvadanai Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the 1st respondent to direct the 2nd respondent to survey the petitioner's grandfather's property in Patta No.143 in Survey No.86/3 of Thondi Village, Thiruvadanai Taluk, Ramanathapuram District by considering his application No. 20240909002821 dated 09.09.2024 and for other such reliefs within the period that may be stipulated by this Court.



W.P.(MD) No.26113 of 2024

WEB COPY

For Petitioner : Mr.I.Kalantar Aasik Ahamadu

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Seeking a mandamus upon the first respondent to direct the second respondent to survey the petitioner's grandfather's property in Patta No. 143 in Survey No.86/3 of Thondi Village, Thiruvadanai Taluk, Ramanathapuram District by considering his application No. 20240909002821 dated 09.09.2024, the petitioner is before this Court.

2. The case of the petitioner is that the aforementioned property is the ancestral property of his grandfather Jainul Mala, who has five sons (including the petitioner's father) and a daughter. The petitioner's grandfather died on 13.09.2000 and after his demise, his legal heirs are in peaceful possession and enjoyment of the property. Thereafter, on 29.01.2020, the petitioner's father died leaving behind the petitioner and his siblings and from that day onwards, they have been in peaceful



W.P.(MD) No.26113 of 2024

possession and enjoyment of the property. Since some third parties tried to encroach upon the petitioner's property, the petitioner made a petition to the first respondent to survey his land. But till date no action was taken. Therefore, the petitioner is before this Court.

3. Heard the learned counsel on either side.

4. Considering the case of the petitioner and also the fact that the petitioner has made his petition on 09.09.2024, a mandamus is issued to the respondents to conduct survey and subdivision of the petition mentioned property. The petitioner shall once again give a copy of the petition giving the details of the property that is sought to be surveyed with all the relevant records to show his title to the property within a period of one week from the date of receipt of a copy of this order 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



W.P.(MD) No.26113 of 2024

exercise shall be completed within a period of six weeks from the date on which the petitioner submits his petition.

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

30.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Tahsildar,
Thiruvadanai Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.

2.The Head Surveyor,
Thiruvadanai Taluk Office,
Thiruvadanai Taluk,
Ramanathapuram District.



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W.P.(MD) No.26113 of 2024

P.T.ASHA, J.

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