



W.P.(MD)No.26466 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.26466 of 2024

and

W.M.P.(MD)No.22412 to 22414 of 2024

Shanthi

...Petitioner

/Vs./

1. The District Collector,
Theni District,
Theni.

2. The Thasildhar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

3. Firka Surveyor,
Land Measurement Section,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

4. Dhilpan Chakravathi

5. Vasanthi

6. Rajendran

... Respondents



W.P.(MD)No.26466 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed by the 2nd respondent in his proceedings vide Na.Ka.No.S/0774/2024 dated 13.06.2024 to quash the same as illegal and consequently direct the 2nd respondent to conduct Survey and earmark the four boundaries and mutation patta in the name of petitioner comprised in Survey No.1808/2 situated at Keelakoodalur East Village, Uthamapalayam, Theni District in the light of W.P.(MD).No.5956/2024 passed by this Court order dated 12.03.2024.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.M.Muthumanikkam (R1 to R3)

Government Advocate

Mr.S.Vashik Ali (R4)

ORDER

This writ petition is filed challenging the impugned order dated 13.06.2024 passed by the second respondent rejecting the petitioner's request for survey and demarcation of the boundaries of his land as per the petitioner's patta issued in his name.



W.P.(MD)No.26466 of 2024

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2. Heard the learned counsel on either side and perused the materials placed before this Court. By consent of counsels, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner purchased the land in S.No.1808/2 measuring to an extent of 67 ½ cents, at Keelakoodalur East Village, Uthamapalayam Taluk, Theni District, under a sale deed dated 13.01.1986. After purchase, the petitioner intended to survey and demarcate the boundaries of the subject land and mutate the patta in his name. The petitioner therefore approached the second and third respondents by paying necessary fee as per the Tamil Nadu Survey and Boundaries Act 1923 (hereinafter referred to as “Act” for brevity). However, the petitioner's application was rejected by the impugned order and therefore, the petitioner has filed the above writ petition for the aforesaid relief.

4. In pursuance of the order passed by this Court in W.P.
(MD).No.5956 of 2024 dated 12.03.2024, the third respondent issued



W.P.(MD)No.26466 of 2024

WEB COPY

notice to the petitioner and all interested persons and passed the impugned order. It is seen from the impugned order that the petitioner's title to the property was disputed and further the petitioner's possession and enjoyment were disputed. Further the petitioner was not also able to identify the property. Hence, the 3rd respondent rejected the petitioner's application stating that the petitioner as well as the respondents will have to settle their title and other disputes before the Civil Court. I find no infirmity or illegality in the impugned order. I therefore find no merit in the Writ Petition and hence the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

10.12.2024

Index : Yes / No
NCC : Yes / No
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W.P.(MD)No.26466 of 2024

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W.P.(MD)No.26466 of 2024

N.MALA, J.

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Order made in
W.P.(MD)No.26466 of 2024

Dated:
10.12.2024