



WEB COPY



WP.No.38625 of 2024

In the High Court of Judicature at Madras

Dated : 02.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38625 of 2024

P.Viswanathan

Vs

...Petitioner

1.The District Collector, Office
of the Collectorate, Erode
District-638011.

2.The Tahsildar, Modakurichi
Tahsildar Office, Modakurichi,
Erode District-638104.

3.The Head Surveyor,
Modakurichi Tahsildar Office,
Modakurichi, Erode District.
638104.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to dispose of the application of the petitioner bearing No.2024/0123/10/002049 dated 09.9.2024 and consequently direct the 3rd respondent to survey and demarcate the petitioner's property bearing New Survey No.666/3A, Re- Survey No.666/3 with an extent of 3,213 sq.ft. in Modakurichi, Modakurichi Taluk, Erode District.

For Petitioner : Mr.B.Pachaiyappan



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For Respondents : Mr.G.Velu, AGP

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ORDER

Seeking a Mandamus to the third respondent to dispose of the application submitted by the petitioner for surveying and demarcating his property measuring 3,213 sq.ft. comprised in New Survey No. 666/3A, Re- Survey No.666/3, Modakurichi, Modakurichi Taluk, Erode District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The petitioner would contend that he acquired the subject property vide settlement deed dated 23.1.2007 registered as doc.No. 222 of 2007 on the file of the Sub-Registrar, Avalpoondurai executed by his wife in his favour. From that day onwards, the petitioner has been in peaceful possession and enjoyment of the subject property. The revenue records were also mutated in the name of the petitioner. Later, the petitioner made an online application on 09.9.2024 to the third respondent seeking to conduct a survey in respect of the subject property by paying necessary charges. Despite receiving the online application, no action has been taken by the third respondent. Hence, the petitioner has come forward with this writ petition.



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4. The fact that the property belongs to the petitioner is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner acquired the subject property by way of a settlement deed, he requested the third respondent to conduct a survey and demarcate the subject property.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to conduct survey in respect of the subject property. The petitioner shall submit all the relevant records to show his title to the subject property and the third respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter pass orders either surveying and demarcating the subject 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 12 weeks from the date of receipt of a copy of this order. No costs.

RS

02.1.2025

P.T.ASHA,J



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RS

Index : Yes (or) No
Neutral Citation : Yes (or) No

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