



W.P.(MD)No.7802 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.7802 of 2025

Murugesan

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Deputy Inspector of Surveyor,
Vadipatti Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to survey and demarcate petitioner's property comprised in old survey No.31/10C1 and new survey No.31/121B, measuring to an extent of 7 cents (2 ½ Ares) situated at Kallanai Village Vadipatti Taluk, Madurai District, by considering the petitioner's representation, dated 02.012.2024 within the time frame stipulated by this Court.



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For Petitioner : Mr.R.Anandha Raj

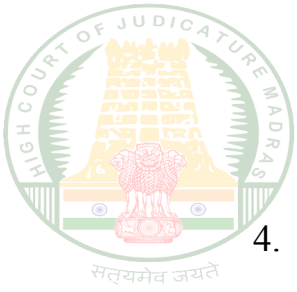
For Respondents : Mrs.K.Malathi
Additional Government Pleader

ORDER

The petitioner seeks issuance of a writ of mandamus to direct the 2nd and 3rd respondents to conduct survey based on the petitioner's application, dated 23.08.2023.

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

3. The petitioner has sought for survey based on a registered sale deed as well as patta issued in the name of the petitioner. Since the survey application has been pending from August 2023, the petitioner has also given a representation on 02.12.2024. Even thereafter, no steps have been taken by the respondents 2 and 3. The petitioner has therefore been constrained to file the present writ petition.

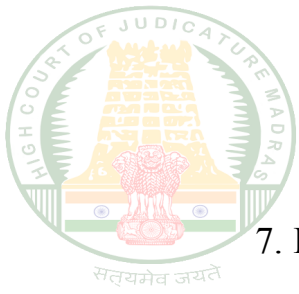


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4. The learned Additional Government Pleader would submit that the FMB Register is not available in the office of the 2nd respondent and it is now presently available in the Department of Adi Dravidar Welfare, Collector Office, Madurai.

5. The learned Additional Government Pleader would bring it to my notice that in few cases, it turns out that, the documents, on which reliance has been placed on by the applicants turn out to be forged or fabricated and these documents are contested by the persons, who are objecting for issuance of patta or survey of the lands, or on coming to know of the patta issued, or survey conducted, come forward with petitions and complaints.

6. In view of the submission made by the learned Additional Government Pleader, it is made clear that in the event of any such dispute arising at the time of enquiry or before the survey, then the respondents are not obligated to go ahead with the survey and they are well within their rights to direct the parties to approach the competent Civil Court to get necessary relief.



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7. In the present case, considering the fact that the petitioner's application for survey based on registered sale deed as well as patta, is pending right from August 2023, this writ petition is disposed of with a direction to the Special Tahsildar (Adi Dravidar Welfare) to forward the FMB for the survey number concerned to enable the 2nd and 3rd respondents to proceed with survey and dispose of the petitioner's application, dated 23.08.2023, in a time bound manner, within a period of two (2) weeks from the date of receipt of copy of this order and thereafter, the 2nd respondent, with the assistance of the 3rd respondent shall conduct survey within a period of eight (8) weeks.

8. With the above directions, this Writ Petition stands disposed of. No costs.

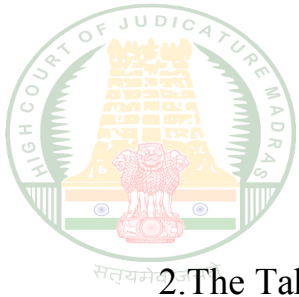
21.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

1.The District Collector,
Madurai.

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2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Deputy Inspector of Surveyor,
Vadipatti Taluk,
Madurai District.

4.The Special Tahsildar (Adi Dravidar Welfare),
Office of the District Collector,
Madurai.



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P.B.BALAJI, J.

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