



W.P.(MD)No.16400 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.16400 of 2023

M.Kottaimuthu

... Petitioner

/Vs./

1.The Tahsildar,
Mudukulathur Taluk,
Mudhukulathur,
Ramanthapuram District.

2. The Firka Surveyor,
Mudhukulathur Taluk,
Mudhukulathur,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey the petitioner land to an extent of 18 cents are situated in Natham Survey No. 90/2, having house site at Keelakoduvanur Village, Mudhukultahur Taluk, Ramanathapuram District and lay boundary stones based on petitioner's representation dated 30.1.2023.



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For Petitioner : D.Selvanayagam

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The writ petitioner seeks issuance of Writ of Mandamus, to direct the respondents to pass an order, on the petitioner's application for conducting survey and demarcating boundaries of the petitioner's property.

2. The petitioner claims right in respect of 18 cents of Natham land comprised in S.No.90/2. According to the petitioner, the petitioner's father was assigned the said lands and after the demise of his father, the petitioner has enjoying the said property without any interference from third persons. In order to identify the boundaries, the petitioner has made an application for survey on 28.06.2021, 07.06.2022 and lastly on 30.01.2023. The petitioner seeks disposal of the said application for survey.



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3. According to the learned Government Advocate, the petitioner has not produced any patta or other revenue records standing in the name of the petitioner, except for relying on the assignment in favour of the petitioner's father. Not even a patta in favour of the petitioner's father has been produced.

4. Considering the above, the matter is left to the first respondent, to conduct an enquiry and issue notice to the petitioner and thereafter, the petitioner is directed to appear and produce all the relevant documents relating to the subject property to the first respondent and the first respondent shall also verify the genuineness of the assignment in favour of the petitioner's father. Subject to the satisfaction of the first respondent, with regard to the entitlement of the petitioner's father, the first respondent with the help of the second respondent shall carry out a survey based on the petitioner's application on 30.01.2023. If necessary, any other interested parties may also be put on notice before conducting survey and thereafter, the first respondent pass final orders, on merits and in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this writ petition is disposed
of. No costs.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

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