



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No5808 of 2022

WEB COPY

K.Samy

... Petitioner

Vs.

1. The Tahsildar,
Office of the Tahsildar,
Sankarankovil (Taluk)
Sankarankovil,
Tenkasi District.

2. The Head Surveyor,
Office of the Taluk Surveyor,
Tahsildar Office Campus,
Sankarankovil Taluk,
Sankarankovil,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents herein to survey and measure the Petitioner's Property and issue a Separate Patta vide Patta No. 2187 comprised in Survey No.82/4A, 82/4B and to fix boundary stones situated at Kalappakulam Revenue Village, Sankarankovil (Taluk) Tenkasi district by considering Petitioners representation dated 30.11.2021 within the time fixed by this Hon'ble Court.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.D.Sasikumar

Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to survey and measure the Petitioner's Property and issue a Separate Patta vide Patta No. 2187 comprised in Survey No.82/4A, 82/4B situated at Kalappakulam Revenue Village, Sankarankovil (Taluk) Tenkasi district and to fix boundary stones based on the petitioner's representation dated 30.11.2021 within a time frame to be fixed by this Court.

2.The petitioner has submitted a representation to the respondents on 30.11.2021 seeking for survey and demarcation of boundaries in respect of the aforementioned property which he claims that it belongs to him absolutely. Since the said representation has not been considered till date, this writ petition has been filed.



3. Heard Mr.V.Selvakumar, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4. The petitioner has produced documents in support of his case that he is the owner of the aforementioned property. He has sought for a survey and fixation of boundaries by the appointment of a Surveyor and for issuance of separate patta in his name. The petitioner has given a representation on 30.11.2021 for the said purpose.

5. Learned Additional Government Pleader appearing for the respondents would submit that if the petitioner submits an online application, the same would be considered on merits.

6. The learned counsel appearing for the petitioner on instructions, is also agreeable for the submission made by the learned Additional Government Pleader appearing for the respondents.

7. No prejudice would be caused to the respondents if the online application to be filed by the petitioner is considered on merits and in accordance with law after hearing the petitioner as well as the rival claimants if any.

8. Accordingly, this Court directs the petitioner to submit an online application within a period of one [1] week from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to survey and fix the boundaries in the petitioner's property in Survey No.82/4A, 82/4B situated at Kalappakulam Revenue Village, Sankarankovil (Taluk) Tenkasi district and after survey and demarcation of boundaries, the first respondent shall consider the online application for issuance of separate patta in the name of the petitioner, and pass final orders within a period of four [4] months thereafter, after affording a fair hearing to the petitioner and other necessary parties whom the first respondent deems fit to enquire. The petitioner shall pay the necessary charges for survey and demarcation.

9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

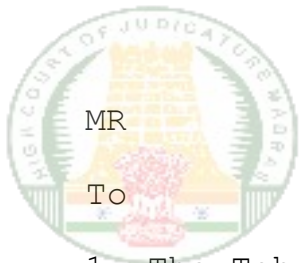
Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar (CS)



1. The Tahsildar,
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Sankarankovil (Taluk)
Sankarankovil,
Tenkasi District.
2. The Head Surveyor,
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+1 CC to M/s.SPL GP (SR-16109[F] dated 01/04/2022)

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SG(CO)
KB(07.04.2022) 3P 4C