



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2015

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THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P(MD) .No.19366 of 2015

S.Muthulakshmi

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.2.The Tahsildar,
Palayamkottai Taluk,
Palayamkottai, Tirunelveli District.3.The Land Surveyor,
The Taluk Office, Palayamkottai Taluk,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the Respondents to measure the petitioner's land in Old Survey No.1475/1A, New Survey No.1836/21 of Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District by identifying the four boundaries and to issue the survey sketch based on the petitioner's application dated 27.01.2015 and 28.02.2015.

For petitioner : Mr.T.Ramasamy

For Respondents : Mr.M.Murugan

Govt. Advocate

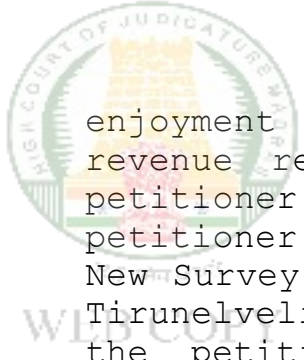
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the Respondents to measure the petitioner's land in Old Survey No.1475/1A, New Survey No.1836/21 of Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District by identifying the four boundaries and to issue the survey sketch based on the petitioner's application dated 27.01.2015 and 28.02.2015.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, this Writ Petition itself is taken up final disposal.

4. In the affidavit filed support of the Writ Petition, it has been averred that the property in Old Survey No.1475/1A, new Survey No.1836/21 of Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District belongs to petitioner's husband Shanmuga Thevar. The said property is in the absolute possession and



enjoyment of the petitioner's husband and all the taxes and revenue records are standing in his name. On 14.05.2007, the petitioner's husband executed a settlement deed in favour of the petitioner to an extent of 3222.64 sq.ft in old Survey No.1475/1A, New Survey No.1836/21 of Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District. After executing the said settlement deed, the petitioner took possession of the said property and is peacefully enjoying the same without any third party interference. While so, an application was given for transfer of the name in all the revenue records, which is still pending. The said property is a vacant house site. From the year 2007 onwards, the petitioner has made several representations to measure the property and identify the four boundaries and to issue the survey sketch. But the respondents did not consider the representation and they are still keeping the application pending. Hence, the petitioner has made another representation on 28.02.2015 along with all the necessary documents. Since the same was not disposed of till date, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondents to consider the representation of the petitioner, dated 28.02.2015 and pass appropriate orders on the same on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties with regard to measurement of the petitioner's land in Old Survey No.1475/1A, New Survey No.1836/21 of Seevalaperi Village, Palayamkottai Taluk, Tirunelveli District by identifying the four boundaries and to issue the survey sketch, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on the merits of the claim made by the petitioner.

6. With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

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To

- 1.The District Collector, Tirunelveli District, Tirunelveli.
- 2.The Tahsildar, Palayamkottai Taluk, Palayamkottai, Tirunelveli District.
- 3.The Land Surveyor, The Taluk Office, Palayamkottai Taluk, Palayamkottai, Tirunelveli District.

+one cc to Mr.T.Ramasamy, Advocate in SR.No.63966

+one cc to The Special Government Pleader in SR.No. 63178