

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7701 of 2016

G.Thyagavalli

... Petitioner

Vs.

1.The District Collector,
Tirupur,
Tirupur District.

2.The Revenue District,
Udumalpet,
Tirupur District.

3.The Tahsildar,
Udumalpet,
Tirupur District.

4.The Taluk Surveyor,
Udumalpet,
Tirupur District.

.... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 3rd and 4th respondent authorities to measure the property of petitioner comprised in S.No.113 situated at Udumalpet Village and Taluk, Udumalpet, Tirupur District within stipulated period fixed by this Court by considering the petitioner's representation dated 08.02.2016.

For Petitioner :Mr.K.Myilsamy

For Respondents:Mr.V.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing respondents 3 and 4 to measure her property comprised in S.No.113 situated at Udumalpet Village and Taluk, Udumalpet, Tirupur District within the stipulated period fixed by this Court by considering her representation dated 08.02.2016.

2. It is the case of the petitioner that the land admeasuring to an extent of 21 cents comprised in S.No.113, situated at Udumalpet Village and Taluk, Tirupur District originally belonged to one P.Ganesh, from whom, one Meghala Devi on behalf of her minor daughter by name Suganaya, had purchased the said property by a registered sale deed dated 18.1.1987 bearing Doc.No.83/1987 on the file of SRO, Udumalpet. Thereafter, the said Meghala Devi on behalf of her minor daughter, had sold a half of the aforesaid property to the petitioner and her son viz., Boopathiraj by virtue of two registered sale deeds i.e., (i)Doc.No.706/1999 dated 23.09.1998 and (ii)Doc.No.3635/1999 dated 15.09.1999. After attaining majority, the aforesaid Suganaya had sold the remaining half portion of the property to the petitioner and her son by a registered sale deed dated 4.2.2004 bearing Doc.No.345/2004. Thus, the petitioner and her son have become the absolute and joint owners of the aforesaid property and they have been in possession and enjoyment of the same without any interruption.

3. It is the further case of the petitioner that while so, one Saraswathi had filed a civil suit in O.S.No.26 of 2007 on the file of the District Munsif Court, Udumalpet for declaration and permanent injunction as against the petitioner and others, without having any valid title and possession over the aforementioned property and she had also attempted to disturb the petitioner's peaceful possession of the property. Therefore, the petitioner and others had filed a civil suit in O.S.No.535 of 2007 on the file of the District Munsif Court, Udumalpet seeking the relief of permanent injunction against her. The said Saraswathi had not chosen to contest both the suits and allowed her suit in O.S.No.26/2007 to dismiss for default by order dated 24.9.2014. Whereas, the petitioner and others obtained an order of injunction in their suit. Even thereafter, the said Saraswathi has not chosen to file any petition for restoration of her suit.

4. Now, the grievance of the petitioner is that she made a representation enclosing three sale deeds to the third respondent on 8.2.2016 to measure the property in question and the same is yet to be considered. Therefore, she has filed the present writ petition for the above stated relief.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

6. Considering the facts and circumstances of the case, this Court permits the petitioner to submit a fresh representation enclosing the required documents along with a copy of this order to the third respondent within a period of

one week from the date of receipt of a copy of this order. On filing of such representation, the third respondent is directed to consider the same, by affording an opportunity of personal hearing to the petitioner as well as to all the necessary parties, if any and pass appropriate orders, with regard to measurement of the property in S.No.113 situated at Udumalpet Village and Taluk, Tirupur District, within a period of four weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the third respondent to pass appropriate orders purely on merits and in accordance with law.

7. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tirupur,
Tirupur District.

2.The Revenue District,
Udumalpet,
Tirupur District.

3.The Tahsildar,
Udumalpet,
Tirupur District.

4.The Taluk Surveyor,
Udumalpet,
Tirupur District.

+1cc to the Government Pleader, S.R.No.13923

SAI (CO)
EU(21/03/2016)

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