



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL**Writ Petition (MD). No.12363 of 2016**

R.Kavitha

... Petitioner

Vs.

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 3.The Surveyor,
Usilampatti Firka,
Usilampattai 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 1 & 2 to instruct 3rd respondent to survey and fix stones at the boundaries of the petitioner's property in Survey No.155/1B1A, Manoothu Village, Usilampatti Taluk, Madurai District by considering the 3rd respondent's notices in Athumal, FL 146/2016 dated 27.06.2016.

For Petitioner : Mr.M.Solaisamy
For Respondent : Mr.V.Muruganandham
Additional Govt. Pleader

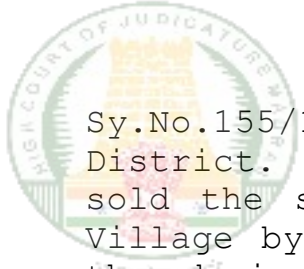
O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents 1 to 3.

4. According to the petitioner, one late Bommaiah Gounder was the original owner of the property and that he had three sons namely Rasu, Bommaiah @ Ponnaiah and Nagaraj and out of 57 cents of land, each of them were entitled to 19 cents. One of his sons Bommaiah @ Ponnaiah inherited the property in question from the late Bommaiah Gounder to an extent of 19 cents of land in



Sy.No.155/1B1A, Manoothu Village, Usilampatti Taluk, Madurai District. Further, on 28.10.1971, the said Bommaiah @ Ponnaiah sold the said property to one Murugandi Pillai of Rajakkalpatti Village by means a registered sale deed dated 28.10.1971. After the demise of Murugandi Pillai, his legal heirs inherited the property and enjoying the same. The petitioner purchased the property from the legal heirs of Murugandi Pillai.

5. The grievance of the petitioner is that the aforesaid property is covered with thorny bushes and she was unable to find out the exact boundaries of her property in Sy.No.155/1B1A, Manoothu Village, Usilampatti Taluk, Madurai District. She had remitted the fee before the second respondent to survey her property and demarcate the boundaries. It appears that on 27.06.2016, the third respondent, through her proceedings dated 27.06.2016 served notices to the petitioner and others requiring them to be present at the time of surveying the boundaries of the property. Unfortunately, the third respondent had not turned up on 30.06.2016 or on 01.07.2016 to survey the petitioner's property. Also that, the petitioner made a request to the third respondent to survey her property at the earliest point of time. But the plea of the petitioner is that the third respondent had refused to come and survey her property.

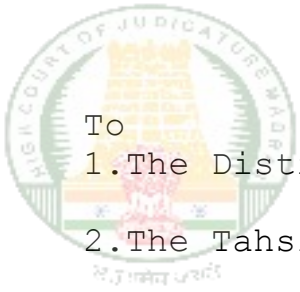
6. In view of the fact that the petitioner had presented necessary documents before the third respondent and also this Court, taking note of the fact that the third respondent had not visited the subject matter of property either on 30.06.2016 or on 01.07.2016 and also this Court taking note of the attendant facts and circumstances of the present case, in an integral fashion, directs the third respondent/ the Surveyor, Usilampattai Firka, Usilampatti Taluk, Madurai District, to carry out the work of surveying and fixing the stones on the boundaries of petitioner's property bearing Sy.No.155/1B1A, Manoothu Village, Usilampatti Taluk, Madurai District, within a period of two weeks from the date of receipt of copy of this order. It is open to the petitioner to produce relevant copies of records/documents before the third respondent so as to enable her to do the needful in her favour. The petitioner is directed to lend her assistance and co-operation to the third respondent/the Surveyor, Usilampattai Firka, Usilampatti Taluk, Madurai District, in the subject matter in issue.

7. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

- 1.The District Collector, Madurai District, Madurai.
- 2.The Tahsildar, Usilampatti Taluk, Madurai District.
- 3.The Surveyor, Usilampatti Firka, Usilampattai Taluk, Madurai District.

+1 cc to The Special Government Pleader in SR.No. 37146
+1 cc to M/s.M.Solaisamy, Advocate in SR.No.36997

vs

CSL/DB/21.07.2016 : 3p/6c

**Writ Petition (MD).No.12363 of 2016
14.07.2016**