



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.15920 of 2016

R.Muniyamma

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Special Tahsildar,
Town Settlement,
Manapparai Unit,
Trichy District.

3.The Special Sub-Inspector of Survey,
Town Settlement,
Manapparai Unit,
Trichy District.

... Respondents

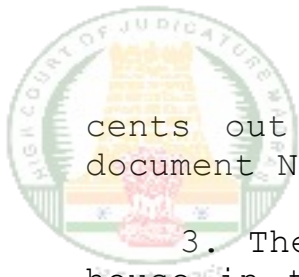
Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the Respondents-2 & 3 to survey the petitioner's house site in Town Survey No.117, S.F.No.745/48 at the extent of 0.0244.5 sq. meter in Block No.7, Ward No.G, Manapparai Town, Trichy District as per the decree passed by the District Munsif Court, Manapparai in O.S.No.410 of 2011, dated 23.09.2015 by considering the petitioner's application, dated 17.12.2015 and 19.07.2016.

For Petitioner	: Mr.M.Ramu
For Respondents	: Mr.J.Gunaseelan Muthaiah, Government Advocate

O R D E R

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondents.

2. According to the Petitioner, she had purchased the house site in old S.F.No.735 in new S.F.No.48 in Sevalur Village, Manapparai Taluk, Trichy District, measuring an extent of 6 ½



cents out of 8 acres and 91 cents, by means of a sale deed document No.723/1979.

3. The stand of the Petitioner is that she had constructed a house in the aforesaid site and she is enjoying the same without any disturbance whatsoever. Her case is that she filed many Petitions/Applications, seeking survey of her house site. But, Respondent Nos.2 and 3 had not responded positively. At the intervention of the Tahsildar, Manapparai, she has filed O.S.No.410 of 2011 on the file of the District Munsif Court, Manapparai, seeking a relief of declaration and permanent injunction in respect of the property in question. Ultimately, on 23.09.2015, judgment was passed in her favour declaring her title and also a relief of permanent injunction was granted.

4. It comes to be known that in terms of the judgment and decree, dated 23.09.2015 in O.S.No.410 of 2011 on the file of the Trial Court, she filed an application before the Second Respondent praying to survey her house site and also remitted necessary fees. Even then, they had not considered her application. Hence, she has filed the present Writ Petition before this Court.

5. Considering the fact that the Petitioner's petitions/representations, dated 17.12.2015 and 19.07.2016, are pending before the Second and Third Respondents, this Court, at this stage, simpliciter, directs the Second Respondent/Special Tahsildar, Town Settlement, Manapparai Unit, Trichy District, to look into the representations of the Petitioner, dated 17.12.2015 and 19.07.2016, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, Respondent Nos.2 and 3 are to pass a necessary speaking order, within a period of four weeks thereafter in the subject matter in issue (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, who are interested in the subject matter in issue). In case, the Respondents-2 & 3 are in need of any copy of relevant records/certified copy of documents, as the case may be, then, it is open to the Respondents-2 & 3 to call for such records/documents from the possession of the Petitioner by means of issuance of memo/notice and soon after receipt of such memo/notice, it is incumbent on the part of the Petitioner to comply with the plea/request made by the Respondents-2 & 3 without any haziness or hesitation, as expeditiously as possible, so as to enable the Respondents-2 & 3, to do the needful, within the time adumbrated by this Court, as stated supra. Needless for this Court to make a significant mention that the Petitioner is to render her assistance and instinted co-operation to the Respondents-2 & 3 in the subject matter in issue.



With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CS-I)

WEB COPY

/True Copy/

Sub Assistant Registrar

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To

1.The District Collector,
Trichy District,
Trichy.

2.The Special Tahsildar,
Town Settlement,
Manapparai Unit,
Trichy District.

3.The Special Sub-Inspector of Survey,
Town Settlement, Manapparai Unit,
Trichy District.

+1CC to Mr.M.Ramu, Advocate Sr.No.47593

+1CC to Spl.Government Pleader Sr.No.47754

GJM/GSV/PM/8.9.16-3p-6c

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