

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.03.2017

CORAM

The Honourable MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5994 of 2017
& WMP.No.6423/2017

1. P.Indirani
2. B.Prema
3. P.Singaravelu
4. Shanthi
5. Maheswaran

.... Petitioners

Vs

- 1 The Tahsildhar,
Alandur
Chennai
- 2 The Taluk Surveyor,
Tahsildhar Office,
Alandur,
Chennai - 600 016
- 3 Mrs.Chitra

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 1st and 2nd respondent to survey, measure and earmark the boundaries of the lands belonging to this petitioners in S.F.No.152/1A1 in patta No.572, Door No.38, Karumariyamman Koil Street, Tulasingapuram, St. Thomas Mount, Nandambakkam, Chennai - 600 016 in Patta No.572 in accordance with and as per the provision of Survey and boundaries Act.

For Petitioners : M/s.P.Bagyalakshmi
For RR 1 & 2 : M/s.K.Bhuvaneswari, GA

ORDER

By consent, this writ petition is taken up for final disposal. Mr.K.Bhuvaneswari, learned Government Advocate accepts notice on behalf of the respondents 1 & 2 .

2.The 1st petitioner would aver that her father, viz., Perumal S/o.Arjunan, had executed a registered Will bearing

Doc.No.894/1963 dated 03.05.1963 [Sub Registrar, Saidapet, Chennai] in favour of her mother, viz., Mariammal, in respect of the landed property, admeasuring to an extent of 10 cents in SF.No.152/1A1, Tulasingapuram, Chennai-16 and would further aver that from the year 1963 onwards, her mother was in absolute possession and enjoyment of the same, till her demise in the year 2002 and she was also issued with Patta No.572. It is also stated by the petitioner that the neighbouring land owner, viz., one Mr.Chithirai, had filed OS.No.73/1966 on the file of the Court of District Munsif, Poonamallee, against the father of the petitioner for declaration and for other consequential reliefs and on account of the civil dispute, her father was also attacked, which resulted in filing of a criminal case in CC.No.534/1965 on the file of the Court of Sub Divisional Magistrate, Poonamallee, and subsequently, the said suit was also withdrawn on 26.02.1969.

3.It is also averred by the 1st petitioner that after the demise of her father, as per the registered Will, which came into being, in the year 1963, her mother inherited the property till her demise and subsequently, the petitioner along with her mother had succeeded the said estate.

4.The 1st petitioner and other legal heirs want to divide the said property and in this regard, have also submitted an application dated 09.02.2017 to the 1st respondent praying for survey and demarcation of the lands in S.No.152/1A1 [Patta No.572] and also paid the prescribed fees and enclosed all necessary documents and though nearly 1 ½ months had lapsed, no steps have been taken by the respondents 1 and 2 to survey, measure and demarcate the lands and therefore, the petitioners came forward to file the present writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and Mrs.K.Bhuvaneswari, learned Government Advocate appearing for the respondents 1 and 2.

6.Though the petitioners have prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by them, directs the 1st respondent to entertain the application of the petitioners dated 09.02.2017, if the papers are otherwise in order and after putting the concerned persons/n on notice, shall pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the person/s concerned. It is also made clear that the 2nd respondent is expected to extend maximum cooperation to the 1st respondent to do that exercise.

7.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The Tahsildhar,
Alandur,
Chennai.
- 2 The Taluk Surveyor,
Tahsildhar Office,
Alandur,
Chennai - 600 016.

Copy to: Chitra,
W/o Venkatesan,
Karumariamman Koil Street,
Thulasisingapuram Chennai 86

+1cc to Mr.P. Bagyalakshmi, Advocate, S.R.No.16012
+1cc to the Government Pleader, S.R.No.16530

W.P.No.5994/2017

GJII(CO)
GN(06/04/2017)

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