



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P(MD) No.14782 of 2017

A.Rahuman Beevi

... Petitioner

**-vs-**

1. The Tahsildar,  
Town Settlement Scheme,  
Melur, Madurai District.

2. The Town Surveyor,  
Town Settlement Scheme,  
Melur Town, Madurai.

3. Suriy Batcha

4. Ibrahim Sheriff

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to survey the petitioner's land to an extent of 1024 Sq.ft. (0.0178.5 sq.mt) and house situated therein comprised in Town Survey No.26 (Old Survey No.403/1 Part) Block - 20 Ward - B of Melur Town Madurai District and demarcate the same by laying survey stone after giving opportunity to the 3rd and 4<sup>th</sup> respondents and all parties concerned by considering the petitioner's representation dated 20.07.2017.

For Petitioner

: Mr.J.Lawrance

For R1 &amp; R2

: Mr.C.Selvaraj

Spl. Govt. Pleader

**O R D E R**

This writ petition has been filed, seeking to direct the respondent Nos.1 and 2 to survey the petitioner's land to an extent of 1024 Sq.ft. (0.0178.5 sq.mt) and house situated therein comprised in Town Survey No.26 (Old Survey No.403/1 Part) Block - 20 Ward - B of Melur Town, Madurai District and demarcate the same by laying survey stone after giving opportunity to the 3<sup>rd</sup> and 4<sup>th</sup> respondents and all parties concerned by considering the petitioner's representation dated 20.07.2017.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for R1 & R2. Considering the



fact that the opportunity of hearing will be given to R3 & R4 at the time of disposal of the representation by the authority concerned, notice to them is dispensed with. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that she purchased the property in question vide Doc.No.5237 of 2013 and since there was a dispute between the petitioner and R3 & R4 with regard to division of boundaries, the petitioner applied for survey of the property so as to ascertain its exact boundaries, after remitting necessary fee. The further case of the petitioner is that there is no civil suit pending in respect of the property in question and therefore, the 1<sup>st</sup> respondent ought to have arranged for survey of the land with immediate effect. On account of the failure on the part of the 1<sup>st</sup> respondent to do so, the petitioner is before this Court with the above prayer.

4. Considering the facts and circumstance of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matters, directs the first respondent to consider the representation of the petitioner dated 20.07.2017 and pass suitable orders regarding survey of the property on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and the respondents 3 and 4.

5. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

**To:**

1. The Tahsildar,  
Town Settlement Scheme,  
Melur, Madurai District.
2. The Town Surveyor,  
Town Settlement Scheme,  
Melur Town, Madurai.

+ 1 CC TO Mr.J.LAWRANCE, ADVOCATE IN SR No. 71928  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72033

AR

TE/JC/SAR-I : 22/08/2017 : 2P/5C

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09.08.2017