

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.10492 of 2018

M.Tamilselvi

..Petitioner

.. Vs ..

1. The Tahsildar,
Chinna Salem & Taluk,
Villupuram District.

2. The Inspector of Police,
Kachirayapalayam Police Station,
Villupuram 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 first respondent to consider the petitioner's application dated 21.01.2018 to survey the land with regard to the land in Survey Nos.126/4, 126/5A, 128/7B at Kattukottai, Nallathur Village, Kallakurichi Taluk, Villupuram District and demarcate the same and the second respondent to provide adequate security for the purpose of survey and demarcation of the land when the first respondent inspects the land for measuring to the extent of 1.29 acres within the time frame fixed by this Court.

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

सत्यमेव जयते
ORDER

The present writ petition has been filed by the petitioner praying for the issuance of a Writ of Mandamus directing the first respondent to consider her application dated 21.01.2018 by surveying the land in Survey Nos.126/4, 126/5A and 128/7B situated at Kattukottai, Nallathur Village, Kallakurichi Taluk, Villupuram District and demarcate the same and also direct the second respondent to provide adequate security for the purpose of survey and demarcation of the land when the first respondent inspects the land measuring to an extent of 1.29 acres within the time frame fixed by this Court.

2. The petitioner claiming to be the owner of the property covered in Survey Nos.126/4, 126/5A, 128/7B situated at Kattukottai, Nallathur Village, Kallakurichi Taluk, Villupuram District has submitted that the Civil Suit filed in O.S.No.730 of 2008 before the learned First Additional District Munsif, Kallakurichi, seeking a decree for partition has already been decreed in her favour that also clearly shows that the petitioner is the owner of the suit property. The petitioner has also filed a final decree application along with a petition praying for appointment of an Advocate Commissioner to allot the share in the suit scheduled property and thereafter, the Advocate Commissioner, who was appointed by the learned First Additional District Munsif, Kallakurichi, also issued notice to all the parties to inspect the property and on completion of the survey of the property along with a Surveyor allotted share in the suit property on 29.08.2015. Now, the petitioner wants to develop the same. Subsequently, she has also sent a representation to the first respondent on 21.01.2018 to measure the land. But till date, the same has not been considered. Hence, the petitioner has approached this Court with the aforesaid prayer.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who accepts notice for the respondents, sought for sufficient time to measure the property in question and issue appropriate order.

4. Recording the said submission made by the learned Special Government Pleader, the first respondent/Tahsildar, Chinna Salem Taluk, Villupuram District, is hereby directed to appoint a land Surveyor for the purpose of measuring the property covered in the suit in O.S.No.730 of 2008 and complete the said exercise within a period of six weeks from the date of receipt of a copy of this order.

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

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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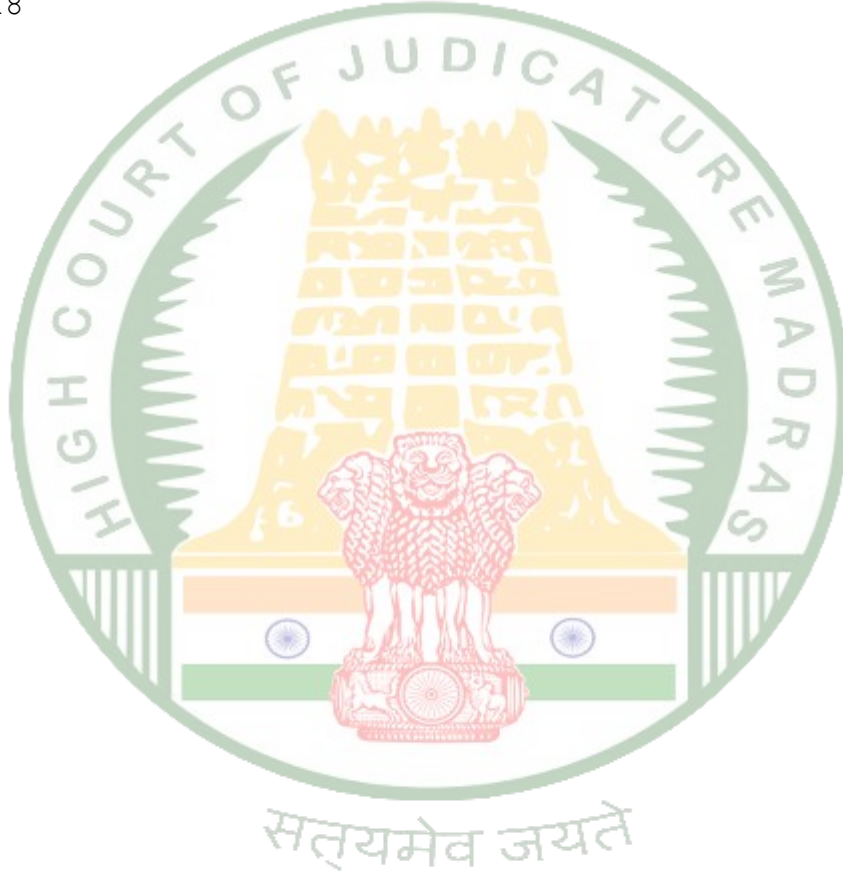
1. The Tahsildar,
Chinna Salem & Taluk,
Villupuram District.

2. The Inspector of Police,
Kachirayapalayam Police Station,
Villupuram District.

+1cc to Mr.V.R.Kamalanathan, Advocate, S.R.No.31026
+1cc to the Government Pleader, S.R.No.31214

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