



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.22713 of 2018

Geetha

... Petitioner

Vs.

1. The Special Tahsildar,
Adi-Dravidar Welfare Department,
Pudukkottai.

2. The Taluk Surveyor,
Illuppur Taluk,
Pudukkottai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to survey and to earmark the four boundaries of the petitioner's property situated in Survey No.52/1A in Plot No.124 of Melapatti Village, Iluppur Taluk, Pudukkottai District on the basis of the petitioner's representation, dated 04.10.2018.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

This writ petition has been filed seeking a writ of Mandamus, directing the respondents to survey and to earmark the four boundaries of the petitioner's property situated in Survey No.52/1A in Plot No.124 of Melapatti Village, Iluppur Taluk, Pudukkottai District on the basis of the petitioner's representation, dated 04.10.2018.

2. The case of the petitioner is that she has been allotted a house site under the Adi-Dravidar Welfare free house site scheme in the above said survey number and till date, the lands were not marked with four boundaries.



3. It is the contention of the petitioner that she is in possession and enjoyment of the above said property and in order to protect the land from the encroachers, it is necessary for her to survey the said property. It is the further contention of the petitioner that it is the bound duty of the respondents to survey the above mentioned property as per the Tamil Nadu Survey and Boundaries Act, 1923 and to fix the boundaries. The petitioner made a representation to survey the property, dated 04.10.2018. Since no action has been taken, the petitioner has approached this Court by way of filing this Writ Petition.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. On perusal of the documents and the materials placed before this Court, it could be seen that the petitioner sent a representation on 04.10.2018 and immediately filed the Writ Petition on 12.11.2018. The petitioner has annexed the assignment patta in the typedset of papers, which has been issued on 20.01.2009 and the said Plot number is 124.

6. The petitioner's contention that there was no boundaries fixed by the authorities at the time of allotment, but it is stated to be wrong since the schedule of the property has been stated in the assignment patta. The said property is surrounded by North in Survey No.52/16, East in Survey No.53, South in Plot No.123 and in West lay out road and one cent of land has been allotted to the petitioner and it has been mentioned in the said schedule that she ought to have constructed the said house within a period of twelve months.

7. In the representation, dated 04.10.2018, it is seen that the petitioner has sought for surveying the said land and she has also stated that some third parties have encroached into the said land and constructed houses and they are also trying to make a burial ground in the portion allotted for Adidravida colony. Since anti-social elements are trying to give obstructions to the beneficiaries, she requested the respondents to survey the said land and allot to the beneficiaries in Survey No.52/1A.

8. The petitioner has not come out with clear picture regarding the possession and enjoyment of the said land, but only on equity, this Court directs the concerned respondent to consider the representation of the petitioner, dated 04.10.2018 for survey of her land, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner and adjacent owners as expeditiously as possible and the petitioner is directed to pay the prescribed fees for the said survey.



9. With the above directions, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Special Tahsildar,
Adi-Dravidar Welfare Department,
Pudukkottai.
2. The Taluk Surveyor,
Illuppur Taluk,
Pudukkottai District.

+ 1 CC TO Mr.D.RAMESH KUMAR, ADVOCATE IN SR No. 95109

PS

TE/SV/SAR-4 : 03/12/2018 : 3P/4C

W.P (MD) No.22713 of 2018
13.11.2018