



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.11.2018

CORAM:
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P(MD)No.23581 of 2018

Saraswathi, W/o.Karuppasamy

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

3.The Taluk Surveyor,
Kayathar Taluk,
Thoothukudi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take necessary steps to measure the land and fix the four boundaries bearing S.No.520/4, measuring to an extent of 25 cents in Akilandapuram Village, Kayathar Taluk, Thoothukudi District, belonging to the petitioner, by considering the petitioner's representation, dated 03.09.2018, within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.V.Anand

Government Advocate

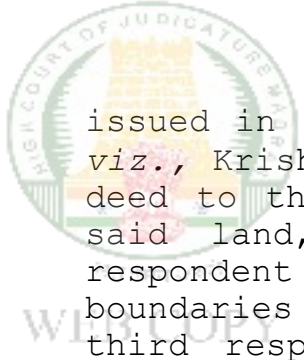
ORDER

Mr.V.Anand, learned Government Advocate takes notice for the respondents.

2.By consent of both parties, the Writ Petition is taken up for disposal at the admission stage itself.

3.This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to take necessary steps to measure the land and fix the boundaries bearing S.No.520/4 to an extent of 25 cents in Akilandapuram Village, Kayathar Taluk, Thoothukudi District, belonging to the petitioner, by considering the petitioner's representation dated 03.09.2018, within the time frame to be fixed by this Court.

4.According to the petitioner, she is absolute owner of the land bearing S.No.520/4, measuring an extent 25 cents out of 2 acres 18 cents, situated at Akilandapuram Village, Kayathar Taluk, Thoothukudi District. Originally, the said land belongs to one Krishna Thevar and five others. She purchased the same from one Arunachala Pandian, S/o.Krishna Thevar through a registered sale deed dated 07.08.2001 for valuable consideration. From the date of purchase, the petitioner was in possession and enjoyment of the same as absolute owner. Patta and Adangal for the land have also been



issued in favour of the petitioner. One of the joint patta owners viz., Krishna Thevar, his son Arunchala Pandian had executed a sale deed to the petitioner and one Chelladurai. After purchasing the said land, the petitioner made an application to the second respondent on 23.04.2018 for measuring the land and to fix the boundaries along with receipt of the necessary fee paid by her. The third respondent issued summon to the petitioner to appear for enquiry on 09.07.2018 and on that day, she did not appear. Thereafter, she appeared before the second respondent on 03.08.2018, but the second respondent did not conduct any enquiry. The adjacent land owners are giving troubles to the petitioner from the date of purchasing the said land and they want to grab the land. Whenever the third respondent has come to measure the land, the said persons have prevented the third respondent from measuring the land without any basis and therefore, the third respondent refused to measure the land. Hence, the petitioner approached the respondents 1 and 2 and requested them to survey the land and sub-divided the same.

5.I have heard the learned counsel appearing for the parties and perused the materials on record.

6.Considering the facts and circumstances of the case, this Court directs the respondents 2 and 3 to consider the petitioner's representation dated 03.09.2018, by conducting an enquiry after giving reasonable opportunity to the parties concerned and the neighbouring land owners and pass appropriate orders in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

7.Considering the circumstances of the case, this Court is of the view that the first respondent is not a necessary party in this Writ Petition.

8.With the above direction this Writ Petition is disposed of. No costs.

Sd/

Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar(CS-III)

To

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

3.The Taluk Surveyor,
Kayathar Taluk,
Thoothukudi District.

+1cc to Mr.M.PRABU, Advocate, SR.No. 97306

+1cc to M/s.Special Government Pleader,SR.No. 97607

W.P (MD) No.23581 of 2018

SMN2

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