



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.25906 of 2019

WEB COPY

S.Muthuselvi

... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Commissioner,
Chinnamanur Municipality,
Chiannamanur Town, Theni District.

4.The Town Surveyor,
Chinnamanur Municipality,
Chiannamanur Town, Theni District.

5.The Head Surveyor,
Uthamapalayam Taluk Office,
Uthamapalayam, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to survey and demarcate the petitioner's property comprised in S.No.294/1, measuring an extent of 80 ½ cents of land situated at Chinnamanur Village, Theni District on the basis of the representation given by the petitioner, dated 29.07.2019 and 27.09.2019 within the time stipulated by this Court.

For Petitioner

:Mr.M.Kaliraj

For R1, R2, R4 and R5

:Mr.C.Ramar

Additional Government Pleader

For R3

:Mr.K.P.Krishnadoss

for Mr.V.Jeyaprakash Narayan

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents to survey and demarcate the petitioner's property comprised in S.No.294/1, measuring an extent of 80 ½ cents of land situated at Chinnamanur Village, Theni District on the basis of the representation given by the petitioner, dated 29.07.2019 and



27.09.2019 within the time stipulated by this Court.

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

3.The petitioner states that the property measuring an extent of 1 acre 38 cents in S.No.294/1 was owned by her husband's Grand Father, by name, Periya Ayyanasamy. It is further stated that in a subsequent partition, the petitioner's husband and his sister got 95 cents of land in the said survey number with a Well and a pathway measuring to an extent of six cents. It is also stated that the other co-owners have executed a release deed on 22.12.2008. Though the petitioner's husband and his two sisters sold 10 ½ cents and 6 cents for pathway out of 95 cents to one Mathivanan, by sale deed, dated 12.02.2012, it is stated that the petitioner is entitled to 80 ½ cents with Well, which is purchased by the petitioner's husband on 07.01.2015.

4.Having regard to the sequence of events, the petitioner's contention appears to be probable with regard to the title of petitioner's husband and sister over an extent of 80 ½ cents. The petitioner has produced revenue records standing in the name of her father-in-law. The second respondent, Tahsildar, is competent to initiate sub division proceedings in respect of the petitioner's land, when no rival claim and the title is established by revenue document. It is stated that the property, which was surveyed originally in S.No.294/1, has undergone a change and it has now become part of town and assigned T.S.Nos.3/1 and 3/2. The respondents 2, 4 and 5 are directed to consider the petitioner's representations and treat the same as petition for sub division. The respondents 2, 4 and 5 shall carryout the survey and sub division in accordance with law, after issuing notice to the petitioner and all persons, who are interested as per revenue records. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

5.with the above directions, this Writ Petition is disposed of. No costs.

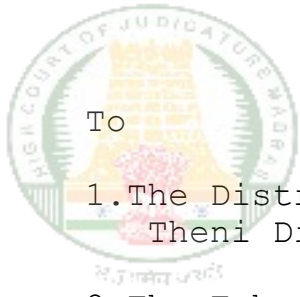
Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

Cmr



To

1.The District Collector,
Theni District, Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

3.The Commissioner,
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Chiannamanur Town, Theni District.

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Uthamapalayam Taluk Office,
Uthamapalayam, Theni District.

+1 CC to M/s.M.KALIRAJ, Advocate (SR-103497[F] dated 05/12/2019)

+1 CC to M/s.V.JAYAPRAKASH NARAYANAN, Advocate (SR-103790[F]

+1 CC to M/s.SPL GP (SR-103834[F] dated 06/12/2019)

W.P. (MD)No.25906 of 2019
05.12.2019

SMA/27/12/2019/3P/9C