

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.12704/2020

Subbulakshmi

.. Petitioner

Versus

1.The Additional District Executive Magistrate
Erode & the District Revenue Officer
The District Collector Office,
Erode - Post and District.

2.The Assistant Director,
Land Survey and Record Department
The District Survey Office,
Erode-Post & District.

3.The Tahsildar
Gobichettipalayam Taluk Office
Gobichettipalayam Post,
Erode District.

4.The Taluk Deputy Surveyor
Taluk Office, Gobichettipalayam-Post & Taluk
Erode District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 3rd and 4th respondents to conduct survey of the petitioner's land in Survey No.321/1 and 321/3 of Kongarpalaiyam Village, Gobichettipalayam Taluk to an extent of 2.58 acres from the partition out of 5.16 acres of land with boundaries based on the proceedings in Na.Ka.No.1932 of 2019/C4 on the file of the 1st respondent dated 11.12.2019 and consequently issued memo made in O.Mu/Manu No.31/2020/E1 on the file of the 2nd respondent dated 28.02.2020.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.E.Balamurugan
Special Government Pleader

Page numbers

ORDER

- (1) This writ petition has been filed for the issue of a writ of mandamus, directing respondents 3 and 4 to conduct a survey in the subject property and to mark boundaries as per the directions issued by the District Revenue Officer, Erode by proceedings dated 11.12.2019.
- (2) The case of the petitioner is that the petitioner and one Selvanayagi are each entitled for half share in the subject property. A dispute arose and ultimately, proceedings were conducted by the District Revenue Officer, Erode and vide order dated 11.12.2019, the District Revenue Officer had found that the petitioner and the above said Selvanayagi are entitled for half share each in the subject property and they were directed to divide the property and enjoy the same.
- (3) The petitioner, thereafter submitted a representation before the 2nd respondent requesting division of the property pursuant to the orders passed by the District Revenue Officer. The 2nd respondent, vide letter dated 28.02.2020, directed the 3rd respondent to conduct an inspection and send a report. Since this letter was not acted upon, the petitioner once again made a detailed representation on 18.07.2020, requesting for survey and sub-division of the property and for laying the boundary stones. Even this was not acted upon and left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate directions.
- (4) Mr. E. Balamurugan, learned Special Government Pleader accepting notice on behalf of the respondents submitted that the 3rd respondent has taken the representation made by the petitioner on file and fixed the date for enquiry / inspection on 23.09.2020 at 3.00 p.m. He would further submit that the petitioner can be present at the time of inspection along with all relevant documents.
- (5) Taking into consideration, the facts and circumstances of the case and also of the fact that the 3rd respondent has already fixed a date for inspection of the property, there shall be a direction to the 3rd respondent to immediately conduct the survey in line with the orders passed by the District Revenue Officer, Erode, dated 11.12.2019 and complete the process within a period of six weeks from the date of receipt of a copy of this order.. The petitioner is directed to be present at the time of inspection with all the relevant documents.

Page numbers

(6) This writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Additional District Executive Magistrate
Erode & the District Revenue Officer
The District Collector Office,
Erode - Post and District.
2. The Assistant Director,
Land Survey and Record Department
The District Survey Office,
Erode-Post & District.
3. The Tahsildar
Gobichettipalayam Taluk Office
Gobichettipalayam Post,
Erode District.
4. The Taluk Deputy Surveyor
Taluk Office, Gobichettipalayam-Post & Taluk
Erode District.

+1cc to the Government Pleader SR.30383

WP.No.12704/2020

AJS (CO)
CB(16/10/2020)

सत्यमेव जयते

WEB COPY

Page numbers