



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2020

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

W.P. (MD)No.86 of 2020

M.Amutha

... Petitioner

Vs.

1.The District Surveyor,  
District Surveyor Office,  
Pudukottai,  
Pudukottai District.

2.The Tahsildar,  
Pudukottai,  
Pudukottai District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to survey and mark the four boundaries of the property situated to an extent of 6.00 Ares in Survey No.438/1A and Patta No.943 in Nathampannai Village, Thirukokarnam Taluk, Pudukottai District.

For Petitioner : Mr.N.Kamesh

For Respondents : Mr.R.Sethuraman

Special Government Pleader

**ORDER**

The prayer in this Writ Petition is for a Writ of Mandamus, to direct the first respondent to survey and mark the four boundaries of the property situated in Survey No.438/1A and Patta No.943, measuring an extent of 6.00 Ares in Nathampannai Village, Thirukokarnam Taluk, Pudukottai District.

2.Heard Mr.N.Kamesh, learned counsel appearing for the petitioner and Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents.

3.The petitioner, in order to survey and identify the boundaries of the property situated in Survey No.438/1A and Patta No.943, measuring an extent of 6.00 Ares in Nathampannai Village, Thirukokarnam Taluk, Pudukottai District, had made a representation to the respondents on 21.10.2019 and paid the necessary fees for survey of the said land and hence, the learned counsel appearing for the petitioner submits that, if the said representation is decided by the respondents and a decision is taken thereon, within a time frame to be stipulated by this Court, the petitioner would be



satisfied.

4.The learned Special Government Pleader appearing for the respondents submitted that as per the revenue records, the property stands in the name of the petitioner and she is not in possession of the property. He further submitted that the Villagers have raised an objection that Vekkaliyamman Temple is situated in the said survey number for the past 20 years. In view of the objection raised by the Villagers, the authorities are not in a position to survey the said property.

5.Considering the submissions made by the learned counsel on either side, this Court is of the view that already there is a dispute with regard to possession of the property. Therefore, the direction as prayed for by the petitioner cannot be granted, as these are all disputed question of facts, which cannot be decided in a writ proceeding and the same can be decided only by the Civil Court in Civil proceedings. Hence, this Writ Petition is dismissed. No costs. It is open to the petitioner to seek appropriate remedy before the competent Civil Court.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Surveyor,  
District Surveyor Office,  
Pudukottai,Pudukottai District.
- 2.The Tahsildar,  
Pudukottai,Pudukottai District.

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SMA/17/07/2020/2P/3C

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