



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.07.2020

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

W.P. (MD) No.5042 of 2020

C.Ramya

...Petitioner

Vs

1.The District Collector,
Karur District, Karur.

2.The Tahsildar,
Karur Taluk, Karur District.

3.The Zonal Deputy Tahsildar,
Karur Taluk, Karur District.

4.The Taluk Deputy Inspector of Survey,
Land Survey Department,
Taluk Office, Karur Taluk,
Karur District.

...Respondents

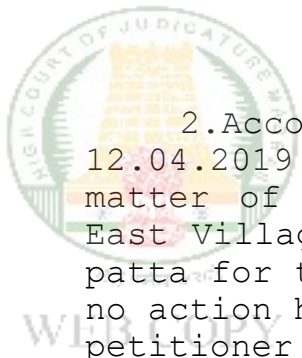
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to consider the petitioner's application dated 12.04.2019 to measure the land for sub-division in S.No.1603/2B admeasuring approximately 35 cents situated at Uppidamangalam East Village Group, Karur Taluk, Karur District and to transfer the patta for the said property in the petitioner's name.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.M.Pandiyarajan
Additional Government Pleader

ORDER

This Writ Petition is filed to direct the 3rd respondent to measure the land for sub-division in S.No.1603/2B situated at Uppidamangalam East Village Group, Karur Taluk, Karur District and to transfer the patta for the said property in the petitioner's name.



2. According to the petitioner, she made an application dated 12.04.2019 to the 3rd respondent to fix the boundaries of the subject matter of the property in S.No.1603/2B situated at Uppidamangalam East Village Group, Karur Taluk, Karur District and to transfer the patta for the said property in her favour. But, on such application no action has been taken by the 3rd respondent till date. Hence, the petitioner has filed the present writ petition before this Court for the relief stated supra.

3. The learned counsel appearing for the petitioner would submit that it is the duty of the 3rd respondent to consider the petitioner's application dated 12.04.2019 to measure the property in S.No.1603/2B situated at Uppidamangalam East Village Group, Karur Taluk, Karur District and to transfer the patta for the said property in the name of the petitioner. Further, the learned counsel would submit that there is no rival claimant for the aforesaid property.

4. The learned Additional Government Pleader appearing for the respondents would submit that there is some objection by the adjacent owner of the aforesaid property to measure the same. If there is no rival claimant for the aforesaid property as stated by the learned counsel for the petitioner, after affording an opportunity of hearing to the petitioner and the interested parties, if any, the 3rd respondent will consider the petitioner's application dated 12.04.2019 and pass appropriate orders, within a time frame to be fixed by this Court.

5. In the case on hand, admittedly, the petitioner made an application dated 12.04.2019 to the 3rd respondent to fix the boundaries of the property in S.No.1603/2B situated at Uppidamangalam East Village Group, Karur Taluk, Karur District and to transfer the patta for the aforesaid property in her favour. Therefore, the petitioner has complied with the procedure as contemplated under the rules and necessary charges have also been paid. Hence, the respondents cannot refuse to survey the aforesaid property as requested by the petitioner. Further, it is seen that though this Court by order dated 16.03.2020 directed the 2nd respondent to conduct an enquiry and to submit a report, the 2nd respondent has not chosen to submit a report as on today.

6. In the light of the above, this Court is inclined to pass the following direction:-

The 3rd respondent is directed to consider the petitioner's application dated 12.04.2019 on merits and in accordance with law and pass appropriate orders, after affording an opportunity of hearing to the petitioner and the interested parties, if any, within a period of 12 weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To

1. The District Collector,
Karur District,
Karur.
2. The Tahsildar,
Karur Taluk,
Karur District.
3. The Zonal Deputy Tahsildar,
Karur Taluk,
Karur District.
4. The Taluk Deputy Inspector of Survey,
Land Survey Department,
Taluk Office,
Karur Taluk,
Karur District.

W.P. (MD) No.5042 of 2020
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SDS (14.07.2020) 3P-5C