



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8478 of 2020

Pitchaiyammal Beevi

... Petitioner

Vs.

The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam,
Theni District.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondent to survey the land in Survey No.62/7 to an extent of 1.95 acres in Patta No.1652 situated at Odaipatti Village, Uthamapalayam Taluk, Theni District and consequently, to consider the application dated 25.11.2019.

For Petitioner : Mr.S.Sankar

For Respondent : Mr.V.Anand,

Government Advocate.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, to direct the respondent to survey the land in Survey No.62/7 to an extent of 1.95 acres in Patta No.1652 situated at Odaipatti Village, Uthamapalayam Taluk, Theni District and consequently, to direct the respondent to consider the application dated 25.11.2019.

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

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

4.According to the petitioner, her father executed a gift settlement deed dated 09.05.1961 in Document No.1434 of 1961 to an extent of 2 acres 70 cents situated at Odaipatti Village, Uthamapalayam Taluk, Theni District, in which, she sold an extent of 69 cents to one Gandhimathi and further 6 cents were taken away by Railway Authority for laying road. The remaining 1.95 acres of land belongs to the petitioner and she is in possession and enjoyment of the same. In order to survey the land, the petitioner submitted an application before the respondent on 25.11.2019 along with chitta copy and chalan dated 25.11.2019 issued by the Sub-Treasury Office, Uthamapalayam, but till date the respondent either considered the petitioner's application nor surveyed the land. Hence, the petitioner has filed the present Writ Petition.



5.Mr.V.Anand, learned Government Advocate appearing for the respondent, on instructions, submitted that the petitioner's application was numbered as Application No.40 of 2019 and the respondent directed the petitioner to appear for enquiry on 26.11.2019, but the petitioner did not turn up for enquiry and thereafter, they contacted the petitioner through phone. The petitioner has informed that due to the objection raised by the other party, he has given the application. Further, the learned Government Advocate submitted that the respondent will measure the property and fix the boundaries, as requested in the application within the time fixed by this Court.

6.In view of the submissions made by the learned Government Advocate, the respondent is directed to consider the application of the petitioner dated 25.11.2019 to survey the petition mentioned property in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and other interested parties.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

ps

To

The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam,
Theni District.

+1 CC to M/s.P. ARUN JAYATRAM, Advocate (SR-13514[F] dated 03/08/2020)

+1 CC to M/s.GP (SR-13646[F] dated 05/08/2020)

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