



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8695 of 2020

Kaliammal

... Petitioner

Vs.

1.The Tahsildar,
Sankarankovil Taluk, Tenkasi District.

2.The Taluk Surveyor,
Sankarankovil Taluk, Tenkasi District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to measure and survey the properties mentioned in Survey Nos.641/7, 642, 642/2 and 642/1 situate at Manalur Village, Sankarankovil Taluk, Tenkasi District, on the basis of the petitioner's representation dated 22.07.2020 within the time frame stipulated by this Court.

For Petitioner : Mr.S.Deenadayalan

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

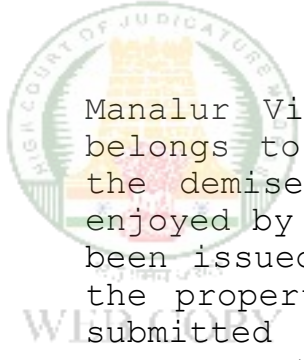
ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents to measure and survey the properties mentioned in Survey Nos.641/7, 642, 642/2 and 642/1 situate at Manalur Village, Sankarankovil Taluk, Tenkasi District, on the basis of the petitioner's representation dated 22.07.2020 within the time frame stipulated by this Court.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader 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, the immovable properties mentioned in Survey Nos.641/7, 642, 642/2 and 642/1 situated at



Manalur Village, Sankarankovil Taluk, Tenkasi District originally belongs to ancestral property and cultivated by her father. After the demise of her father, the said properties have been jointly enjoyed by the petitioner and her brothers and sisters and patta has been issued by the first respondent. In order to measure and survey the properties and to fix the four boundaries, the petitioner has submitted her representation on 22.07.2020. Since there is no response, the petitioner has filed the present Writ Petition.

5.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents strongly objected to entertain the Writ Petition on the ground that the petitioner has approached this Court without giving sufficient opportunity to the authorities to consider her application. Further, he submitted that the authority will look into the said application and process the said application as per the Government Order.

6.On perusal of the materials available on record, it is seen that immediately after giving the representation to the respondents, the petitioner has approached this Court within two weeks without giving sufficient time for the authorities to consider her application and this Court cannot entertain such Writ Petition. As per the Government Order, stipulated time is granted to the respondents to survey the said property and this Court wants to express its anguish against this kind of attitude on the part of the petitioner.

7.In view of the submission made by the learned Additional Government Pleader that the authority will look into the said application and process the said application as per the Government Orders and the petitioner has approached this Court without giving sufficient opportunity to the respondents to consider her application, which cannot be entertained, the Writ Petition is dismissed. However, liberty is granted to the petitioner to file a fresh Writ Petition, at a later stage, if necessary. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

05.08.2020

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 Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Sankarankovil Taluk,
Tenkasi District.

+1 CC to M/s.Special Government Pleader (SR-13714[F] dated
06/08/2020)

Order made in
W.P. (MD) No.8695 of 2020
Dated:05.08.2020

ps

SDS (18.08.2020) 3P-4C