



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.13260 of 2020

R.Anitha

...Petitioner

Vs

1.The District Revenue Officer,
Land Acquisition for National Highways No.49,
The District Collector Office,
Ramanathapuram,
Ramanathapuram District.

2.The Special Tahsildar,
Land Acquisition for National Highways No.49,
Unit I, Manamadurai Taluk,
Sivagangai District.

3.The Tahsildar,
Madurai South Taluk,
Madurai.

4.The Taluk Surveyor,
Madurai South, Madurai.

5.The Authorized Surveyor,
Land Acquisition for National Highways No.49,
Unit I, Manamadurai Taluk,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 3 and 4 to conduct the Survey by fixing the boundaries of the landed property situated in survey No.68/14 in Viraganoor Village, Madurai South Taluk, Madurai District, Madurai, with the assistance of the other respondents with in the stipulated time as fixed by this Court.

For Petitioner	: Mr.K.Sivabalan
For Respondents	: Mr.C.Ramesh Special Government Pleader

ORDER

This Writ Petition is filed to direct the respondents 3 and 4 to survey and fix the four boundaries for the property in S.No.68/14, situated at Viraganoor Village, Madurai South Taluk, Madurai District.



2.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, though she made a representation dated 28.08.2020 to the 3rd respondent seeking to transfer the patta in her favour for the subject matter of the property, by surveying the same, so far no action has been taken. Hence, the petitioner is before this Court.

4.In reply, the learned Special Government Pleader appearing for the respondents would submit that the petitioner's representation dated 28.08.2020, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5.Having regard to the limited scope of the prayer made by the petitioner and in view of the submission made by the learned Special Government Pleader, this Court, without expressing any opinion on the merits of the petitioner's case, is inclined to pass the following directions:-

i) the 3rd respondent is directed to survey the subject matter of the property, by considering the petitioner's representation dated 28.08.2020, after affording due opportunity of hearing to the petitioner as well as the rival parties, if any;

ii) if there is any objection from the rival parties to survey the subject matter of the property, the 3rd respondent is directed to conduct an enquiry and communicate the decision of the same to the parties concerned;

iii) the aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order;

6.This Writ Petition is disposed of, with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



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- +1 CC to SPL GP (SR-19041[F] dated 05/10/2020)

W.P. (MD) No.13260 of 2020
30.09.2020

VB (09.10.2020) 3P 7C