



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P. (MD)No.16096 of 2020

K.Amutha

... Petitioner

-vs-

1.The District Land Surveyor,
Madurai District,
Madurai.

2.The Tahsildar,
West Taluk,
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to measure and marking the boundaries to the petitioner's land in old Survey No.78/2 in New Survey Nos.398/8 and 398/10 situated at Nagamalai Pudukottai, Vilacheri Village, Madurai West Taluk, Madurai District based on the petitioner's representation dated 09.03.2020.

For Petitioner	: Mr.PR.Boomee Rajan
For Respondents	: Mr.P.Kannithevan Additional Government Pleader

ORDER

This writ petition is filed seeking issuance of a Writ of Mandamus directing the respondents to measure and mark the boundaries to the petitioner's land in old Survey No.78/2 in New Survey Nos.398/8 and 398/10 situated at Nagamalai Pudukottai, Vilacheri Village, Madurai West Taluk, Madurai District based on the petitioner's representation dated 09.03.2020.

2.Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents. By consent of both sides, the Writ Petition is disposed of at the admission stage itself.

3.It is represented by the learned counsel appearing for the petitioner that the properties measuring to an extent of 000.28 Hectares in old Survey No.78/2 in New Survey Nos.398/8 and 398/10 situated at Nagamalai Pudukottai, Vilacheri Village, Madurai West Taluk, Madurai District, are the ancestral properties of the petitioner and she has been in possession and enjoyment of the same. As the petitioner wanted to measure the land, she made a representation on 09.03.2020 to the second respondent after paying necessary charges for survey the land. Since there was no response



from the second respondent, the petitioner has come forward with the present Writ Petition.

4.Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that survey was already conducted on 16.11.2020 and as the petitioner was not satisfied with the survey, she has made a statement to the second respondent vide her communication dated 16.11.2020. However, the learned Additional Government Pleader submits that if the petitioner pays necessary charges for re-surveying the land, tenders statement apart from bearing the charges for photograph and videograph, re-survey will be conducted.

5.Considering the facts and circumstances of the case and also the submission of the learned Additional Government Pleader, the petitioner is directed to pay necessary fees for conducting the survey afresh and on receipt of the same, the second respondent is directed to consider the representation of the petitioner dated 09.03.2020 and re-survey the property in the light of the judgment made in W.P.(MD)No.13465 of 2020, dated 13.10.2020 and in case of issuance of patta, after survey, the directions issued by this Court in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 should be scrupulously followed.

6.With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

- 1.The District Land Surveyor,
Madurai District,
Madurai.
- 2.The Tahsildar,
West Taluk,
Madurai District,
Madurai.

+1 CC to M/s.PR.BOOMEERAJAN, Advocate (SR-22106[F] dated 19/11/2020)

+1 CC to M/s.SPL GP (SR-22544[F] dated 23/11/2020)

W.P(MD)No.16096 of 2020
18.11.2020

KG(CO)

KB(14.12.2020) 2P 5C