



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P.(MD)No.15605 of 2020

Veerammal

... Petitioner

-vs-

1.The Thasildar,
Nilakottai Taluk,
Dindigul District.

2.The Head Surveyor,
Nilakottai Taluk Office, Nilakottai,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to survey and fix four boundaries of the land in S.No.325/1A to an extent of 0.41.0 Hectare or 101 Cents and S.No.392/4 to an extent of 0.35.0 Hectare or 86 Cents situated in Teppathupatti hamlet, Rengappa Naickenpatti Village, Nilakottai Taluk, Dindigul District based on the petitioner's representation dated 30.09.2020 within the time stipulated by this Court.

For Petitioner : Mr.K.Saravana Kumar

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus to direct the respondents to survey and fix four boundaries of the land in S.No.325/1A to an extent of 0.41.0 Hectare or 101 Cents and S.No.392/4 to an extent of 0.35.0 Hectare or 86 Cents situated in Teppathupatti hamlet, Rengappa Naickenpatti Village, Nilakottai Taluk, Dindigul District based on the petitioner's representation dated 30.09.2020 within the time stipulated by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate, who took notice for the respondents. By consent of both parties, 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 grandmother of the petitioner's husband, by name Mrs.Veerammal, had purchased a land measuring to an extent of 2.82 acre in Survey No.325/1 situated in Theppathupatti hamlet, Rengappa Naickenpatti Village, Nilakottai Taluk, Dindigul District, through a sale deed bearing Document No.1833/1926. Thereafter, she sold some extent and the balance land was subdivided and new Survey No.325/1A was given to the remaining land. The grandmother of the petitioner's husband had two sons by name Police Thevar and Raju Thevar who is the father of the petitioner's husband. The grandmother of the petitioner's husband died on 06.06.1969 and the petitioner's husband died on 19.10.2018 leaving behind the petitioner, two sons and one daughter. After the demise of the petitioner's husband, the petitioner and her children are in possession and enjoyment of the said property. It is further submitted that another property measuring to an extent of 0.35.0 Hectare in Survey No.392/4 situated in Theppathupatti hamlet, Rengappa Naickenpatti Village, Nilakottai Taluk, Dindigul District, originally belonged to the grandfather of the petitioner's husband by name Periya Vellaya Thevar. After the demise of the said Periya Vellaya Thevar, his two sons by name Raju Thevar and Police Thevar were in possession and enjoyment of the said land. It is also submitted that Raju Thevar had only one son who is the husband of the petitioner and after the death of the petitioner's husband, the petitioner is in joint possession and enjoyment of the said land. While so, a patta bearing No.690 had been wrongly issued in the name of Police Thevar by the revenue authorities for the survey No.392/4. Taking advantage of the same, Police Thevar conveyed the property to one Rajendran and the said Rajendran filed a suit before the Munsif Court, Nilakottai for injunction in O.S.No.198/2008 and the suit was dismissed on 14.11.2014. As against the said dismissal order, he filed appeal in A.S.No.65/2015 before the Principal Sub Court, Dindigul and the same was also dismissed on 06.02.2017. Since there is no appeal as against the decree and judgment of the appellate Court, the petitioner had approached the first respondent. Though the first respondent accepted the request of the petitioner, no patta transfer had been taken place till date. Since the petitioner wants to protect her properties, survey needs to be done. Therefore, she made a representation to the respondents on 30.09.2020. As there was no response from the respondents, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation of the petitioner dated 30.09.2020 and 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 and W.P.(MD)No.114135/ of 2020, dated 12.10.2020 should be scrupulously



followed.

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

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (CS-I)

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The Thasildar,
Nilakottai Taluk,
Dindigul District.

2. The Head Surveyor,
Nilakottai Taluk Office, Nilakottai,
Dindigul District.

W.P (MD) No.15605 of 2020
06.11.2020

CK (CO)

AP (24/11/2020) 3P 3C