



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.26170 of 2019

and

W.M.P. (MD)No.22622 of 2019

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M.Kasthuri Bai

... Petitioner

vs

1.The District Collector,
Trichirapalli District, Trichirapalli.

2.The District Revenue Officer,
Trichirapalli District, Trichirapalli.

3.The Commissioner,
Trichirapalli City Municipal Corporation Trichirapalli.

4.The Revenue Divisional Officer,
Trichirapalli District, Trichirapalli.

5.The Tahsildar,
Trichirapalli West Taluk, Trichirapalli.

6.The Surveyor Officer,
Tahsildar Office,
Trichy South Taluk,
Trichirapalli.

... 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 1 to 6 to consider the representation, dated 19.11.2019 made to the respondents to conduct survey and measure the property through surveyor as per Tamil Nadu Survey and Boundaries Act, 1923 and to demarcate the land to an extent of 1258 sq.ft., land in S.No.193/9 in Piratiyur Village, Srirangam Taluk, Trichirapalli District and now Trichirapalli City Municipal Corporation, bearing Ward No.40, D.No.137, Madurai Main Road, Edamalaipatti Pudur, Thirichirapalli within the time frame as may be fixed by this Court.

For Petitioner

:Mr.R.Manoharan

For Respondents

:Ms.VPM.Vaishnavi
Government Advocate



O R D E R

This Writ Petition is filed for a issuing a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 19.11.2019, requesting the respondents to conduct survey and measuring the property through surveyor and to demarcate the land to an extent of 1258 sq.ft., land in S.No.193/9 in Piratiyur Village, Srirangam Taluk, Trichirapalli District.

2.The petitioner states that she is the owner of the land measuring to an extent of 1258 sq.ft. in S.No.193/9 in Piratiyur Village, Srirangam Taluk, Trichirapalli District, by virtue of a registered sale deed, dated 08.09.1986. It is further stated that the petitioner has put up fresh construction, after obtaining a sanctioned plan from the concerned authority on 27.04.1988. It is the case of the petitioner that a portion of a property belongs to the petitioner has been shown as the property of State Highways and that therefore, the petitioner has approached the revenue officials for measuring the property and for demarcation. It is stated by the petitioner that on 14.11.2019, the fifth respondent, without any notice to the petitioner, has measured the property in such a way that no portion of the petitioner's land is within the road portion. The petitioner, thereafter, submitted a representation to the respondents 1 to 5 on 18.11.2019 to measure and demarcate the land belongs to the petitioner in her presence. However, no order has been passed on the representation of the petitioner. Hence, the petitioner has come forward with the present Writ Petition.

3.The petitioner has pointed out that the survey should be conducted as per the survey stones already laid.

4.The learned Government Advocate appearing for the respondents submitted that the petitioner's land has been surveyed and measured in her presence and that the encroached portion also has been marked as per the plan submitted by the revenue officials along with communication, dated 03.01.2020. The respondents have also produced before this Court, some photographs to show that the husband of the petitioner has shown the plan to the authorities.

5.Since a survey has been conducted and the respondents have stated that boundary has been fixed on ground, it is for the petitioner to file appeal, if the petitioner has any grievance against the fixation of boundary. However, no order has been served on the petitioner. Hence, the Tahsildar concerned is directed to serve a copy of proceedings, by which the petitioner's representation has been considered and survey has been conducted. Since the representation of the petitioner has been considered and action has been taken, it is open to the petitioner to challenge the order, if any passed by the Tahsildar concerned pursuant to the survey and demarcation of boundary.



6. Giving such liberty to the petitioner to work out her remedy in the manner known to law, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The District Collector,
Trichirapalli District, Trichirapalli.
2. The District Revenue Officer,
Trichirapalli District, Trichirapalli.
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Tahsildar Office,
Trichy South Taluk,
Trichirapalli.

+1 CC to Mr.R.MANOCHARAN, Advocate (SR-577[F] dated 07/01/2020)

+1 CC to SPL GP (SR-435[F] dated 07/01/2020)

W.P. (MD) No. 26170 of 2019
06.01.2020

VB (24.01.2020) 3P 9C