

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 39192 of 2016

A.Gowriammal

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The Superintendent of Police,
Office of Superintendent of Police,
Thiruvannamalai District.

4.The Tahsildar,
Pollur Taluk Office,
Pollur, Thiruvannamalai District,
Thiruvannamalai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 2 to 4 to consider the representation dated 10.08.2016 and 03.10.2016 for surveying the punja land measuring an extent of 40 cents comprised in Survey No.59/3C, situated at Kannanur Village, chetpet taluk, Thiruvannamalai District.

For Petitioner : Mr. R.Venkata Varathan

For Respondents : Mrs. A.Madhumathi
Special Government Pleader

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents 2 to 4 to consider the representations dated 10.08.2016 and 03.10.2016 for surveying the punja land measuring an extent of 40 cents comprised in Survey No.59/3C, situated at Kannanur Village, Chetpet Taluk, Thiruvannamalai District.

2. The petitioner states that the property measuring an extent of 40 cents comprised in Survey No.59/3C situated at Kannanur Village, Chetpet Taluk, Thiruvannamalai District,

originally belonged to her husband and that he executed the settlement deed in favour of the petitioner on 07.02.1979. It is the case of the petitioner that she requested the fourth respondent to survey the property since the petitioner wanted to develop the property which was in her enjoyment pursuant to the settlement deed. Despite several representations, it is stated that the third respondent did not take any steps to survey the property.

3. Learned Special Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's husband, after executing a settlement deed in favour of petitioner, has subsequently executed a sale deed in the year 2004 and that the third parties are also claiming right in respect of the property and hence, the Revenue Officials could not survey the property. It is admitted that the third parties are claiming right only under the petitioner's husband and that the third respondent need not entertain the request of third parties since the petitioner's title cannot be denied by the subsequent purchasers from the petitioner's husband who had already conveyed his rights, title and interest in favour of the petitioner.

4. In the light of the information shared by the learned Special Government Pleader, this Court is inclined to dispose this Writ Petition with a direction to the respondents to consider the representation of the petitioner. Accordingly, the respondents 2 to 4 are directed to consider the representations of the petitioner dated 10.08.2016 and 03.10.2016 and dispose of the same on merits and in accordance with law, after hearing the third parties, within a period of eight weeks from the date of receipt of a copy of this order. If the third parties have no independent right and they are also claiming under the petitioner's husband, the respondents are directed to survey the property as per the representation of the petitioner unmindful of any objections raised by the third parties. In case the private parties who are unable to produce any material or establish any independent title, the respondents 2 to 4 shall seek police protection for surveying the land and carryout the survey. The respondents may consider the claim of any third party if his claim is supported by prior documents of title supported by revenue records uninfluenced by the observation of this Court in this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Office of the District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2.The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The Superintendent of Police,
Office of Superintendent of Police,
Thiruvannamalai District.

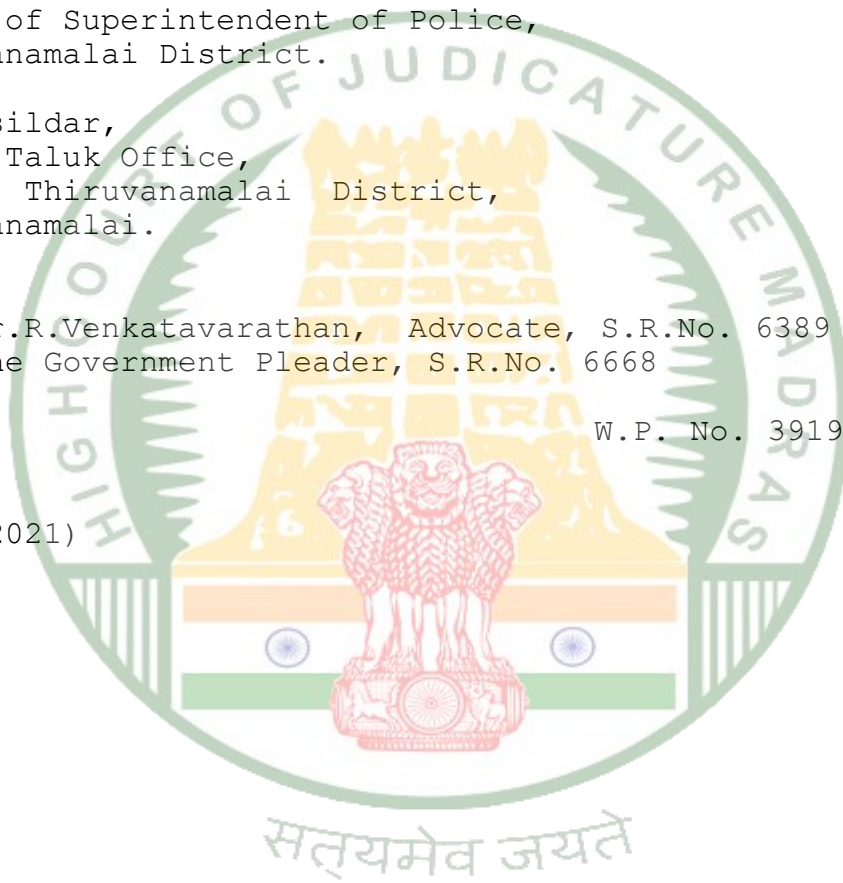
4.The Tahsildar,
Pollur Taluk Office,
Pollur, Thiruvannamalai District,
Thiruvannamalai.

+1cc to Mr.R.Venkatavarathan, Advocate, S.R.No. 6389

+1cc to the Government Pleader, S.R.No. 6668

W.P. No. 39192 of 2016

LN(CO)
GN(22/03/2021)



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