



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18031 of 2021

Radha Ammal

...Petitioner

Versus

1. The District Collector,
Villupuram District,
Villupuram.

2. The Tahsildar,
Tindivanam Taluk,
Tindivanam.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent to survey the land situated in Kuteripattu Village, Tindivanam Taluk, Villupuram District, comprised in Survey No.66/8B of an extent of 0.50.0 Ares equivalent to Acre 1.45 cents and embed the survey stones in the said property within time frame.

For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.Yogesh Kannadasan
Government Advocate.

O R D E R

This writ petition has been filed for issuance of writ of mandamus, directing the second respondent to survey the land situated in Kuteripattu Village, Tindivanam Taluk, Villupuram District, comprised in Survey No.66/8B of an extent of 0.50.0 Ares equivalent to Acre 1.45 cents and embed the survey stones in the said property within time frame.

2. According to the petitioner, she is the absolute owner in respect of the aforesaid property situated in Kuteripattu Village, Tindivanam Taluk, Villupuram District, comprised in S.No.66/8B of an extent of 0.50.0 Ares equivalent to Acre 1.45 cents comprised in Survey Nos.87/1, 2,3,4B,5,8,9A,10,11A,12,13,14A,15,16,17A,18A by virtue of



WEB C

compromise decree, dated 01.09.2006 passed in O.S.No.144 of 2002 by the learned Additional District Munsif, Tindivanam filed by one Ramakrishnan, who is the younger brother of her deceased husband namely Krishnavenu Naidu as against her, sons and one Kannammal who is her husband's sister. She was allotted two items of properties which is morefully described in the Schedule-B, based on the compromise decree. Thereafter, the Item No.1 property which is morefully described in Schedule-B to the said compromise decree being an extent of acre 1.45 cents of lands being Plaint 1 to 16 item properties comprised in various survey numbers as aforementioned was retained by her and the Item No.2 which is morefully described in the Schedule-B to the said compromise decree being plaint 19 to 23 item properties was sold subsequent to the passing of the aforesaid compromise decree. Subsequently, the petitioner had executed a settlement deed in respect of the land in S.Nos.87/1, 2,3,4B,5,8,9A,10,11A,12,13,14A,15,16,17A,18A and New Survey No.66/8. She had retained 0.19 cents of land after executing diminutive extent of land by virtue of registered deed in favour her sons. By virtue of registered settlement deed, dated 05.04.2013 in Doc.No.1979 of 2013 on the file of Sub Registrar Office, Mailam and she had conveyed 0.30 cents of land out of larger extent of land being Acre 1.45 cents likewise by way of separate settlement deed, she had also settled the remaining extent of the said property in favour of her other sons and daughters. So, the petitioner's sons and daughters were claiming right in respect of the aforesaid property by virtue of registered settlement deed executed by her in their favour and they were in possession and enjoyment of the same. In order to mutate the Revenue Records based on the aforesaid settlement deed, they had approached the second respondent/Tahsildar herein for issuance of Patta and Chitta in their favour after subdividing the property. Hence, she made a representation to the second respondent/Tahsildar requesting him to name transfer in Patta, but the respondent has not taken any steps in this regard. However, the petitioner had approached this Court by way of filing W.P.No.6240 of 2019 and this Court directed the 2nd respondent herein to consider the representation of the petitioner therein and dispose of the same and issued the Joint Patta. Hence, the petitioner had given a representation before the 2nd respondent to inspect the property and to lay the boundary stones in respect of the property on 03.08.2021 and the petitioner had effected payment through online on 03.08.2021, but the second respondent has not come forward to lay the boundary stone in respect of the property and hence, the petitioner has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction



is issued to the 1st respondent to consider the petitioner's representation dated 03.08.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 2nd respondent to consider the petitioner's representation dated 03.08.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

msm

To

1. The District Collector,
Villupuram District,
Villupuram.

2. The Tahsildar,
Tindivanam Taluk,
Tindivanam.

+1 cc to the Government Pleader, Sr.44234

W.P.No.18031 of 2021

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NSK 11/10/2021