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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.18237 of 2021

Venkadeswari

... Petitioner

Vs.

1.The Assistant Director,  
Land Survey and Record Department,  
Erode Post & District.

2.The Tahsildar,  
Nambiyur Taluk Office,  
Nambiyur Post,  
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to conduct survey to the petitioner's land to an extent of 30 cents of vacant land in New Survey No.29/2 (old Survey No.203) of Polavapalayam Village, Nambiyur Taluk, Erode District based on the representation dated 18.02.2021.

For Petitioner : Mr.D.Veerasekaran

For respondents : Mr.Yogesh Kannadasan  
Government Advocate

ORDER

The petitioner has filed a mandamus to direct the respondents to conduct survey on the petitioner's land to an extent of 30 cents of vacant land in New Survey No.29/2 (old Survey No.203) of Polavapalayam Village, Nambiyur Taluk, Erode District based on the representation dated 18.02.2021.

2.The case of the petitioner is that she is having an agricultural land of 4 acres near Udumelpet. According to the petitioner, her husband purchased 30 cents of vacant land from one T.Rangarajan under valid sale consideration vide Document No.2947 of 2013 before the Sub Registrar, Nambiyur dated 23.08.2013. According to the petitioner, her husband became the



absolute owner of the property and patta also mutated on her husband's name in patta No.2 in Serial No.7 of joint patta issued by the second respondent. According to the petitioner, her husband executed a registered settlement deed in favour of the petitioner vide Document No.2544 of 2020 before the Sub Registrar, Nambiyur dated 30.09.2020 and the petitioner became the absolute owner of 30 cents of vacant land.

3. According to the petitioner, 30 cents of land in Polavapalayam Village, Nambiyur Taluk, Erode District stands in her name in revenue records viz., patta and A-Register. According to the petitioner, she applied through on-line No.2021/0105/10/108569 dated 01.02.2021 to survey 30 cents of vacant land in New Survey No.29/2 (old Survey No.203) of Polavapalayam Village, Nambiyur Taluk, Erode District. However, the second respondent did not take any action to survey the petitioner's land. According to the petitioner, she applied once again to the respondents along with necessary documents relating to the aforesaid land by way of registered post on 18.02.2021. But no steps have been taken by the respondents. Hence, on 16.04.2021, the petitioner approached the respondents to survey her land and boundary. But no concrete decision has been taken to survey the land.

4. The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

5. On going through the averments, it is seen that on 01.02.2021, the petitioner applied through on-line. But no steps have been by the respondents.

6. In view of the above, this Court is of the view that the respondents shall consider the earlier on-line application viz., No.2021/0105/10/108569 dated 01.02.2021 submitted by the petitioner and complete the survey in accordance with law, within a period of four months from the date of receipt of a copy of this order after payment of necessary fees by the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar



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1.The Assistant Director,  
Land Survey and Record Department,  
Erode Post & District.

2.The Tahsildar,  
Nambiyur Taluk Office,  
Nambiyur Post,  
Erode District.

+1cc to Mr.D.Veera Sekaran, Advocate, S.R.No.44319  
+1cc to the Government Pleader, S.R.No.44890

W.P.No.18237 of 2021

SJ(CO)  
CB(05/10/2021)