



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.20804 of 2021

Rasambal

... Petitioner

-Vs-

1. The District Collector,
Villupuram.

2. The Tahsildar,
Vikravandi,
Villupuram District.

... Respondents

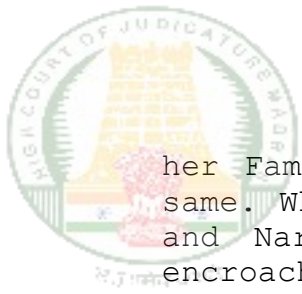
PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents to survey the property and grant patta with respect to Survey Nos.137/4, 137/4A, 137/4B1 measuring an extent of 1 acre at Nallapalayam Village, Vikravandi Taluk, Villupuram district and pass orders accordingly.

For Petitioner : M/s. R. Poornima
For Respondent-1 : Mr. Yogesh Kannadasan
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to survey the property and grant patta with respect to Survey Nos.137/4, 137/4A, 137/4B1 measuring an extent of 1 acre at Nallapalayam Village, Vikravandi Taluk, Villupuram district and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the properties in survey No.137/4, 137/4A, 137/4B1 measuring an extent of 1 acre at Nallapalayam Village, Vikravandi Taluk, Villupuram district belongs to the family of the petitioner. The said property was settled in favour of the petitioner's son and



her Family and they are in the possession and enjoyment of the same. While being so, third parties namely, Unnamalai, Jayakodi and Narasan residing in the same village have attempted to encroach the said property and in the result, the petitioner along with others has filed a suit in O.S.No.217 of 2018 on the file of the Principal District Court, Villupuram seeking for declaration and injunction as against the aforesaid three persons who are defendants in the suit. The suit was decreed on 01.11.2018 as against the defendants. There is no appeal filed by the defendants against the aforesaid order. Under such circumstances, the petitioner has approached the respondents by filing an application dated 16.07.2019 seeking for surveying the aforementioned property after having paid necessary charges for it. However, the respondents have not come forward to discharge their duty on the application dated 16.07.2019 filed by the petitioner herein. As the said Civil Suit was disposed of as early as on 01.11.2018, the respondents herein has no obstacle to survey the said property and issue Patta in her name.

3. It has been further submitted that as no action was taken on the application dated 16.07.2019 filed by the petitioner herein, the petitioner once again filed a representation dated 09.08.2021 before the 1st respondent seeking to survey the said property and grant patta in the name of the petitioner. Despite receiving application dated 16.07.2019 and the representation dated 02.11.2020, the respondents are not interested to take any action on them. Thereafter, the petitioner has sent many reminders on various dates to the respondents but of no avail. None would be benefited by keeping the application and representation pending for over the years together. Only if the property is surveyed and patta is granted, the petitioner will be in a position to develop the said property. As the respondents have not taken any steps on the application dated 16.07.2019 and representation dated 09.08.2021, the petitioner is left with no other alternative remedy except to approach this Court by invoking under Article 226 of Constitution of India seeking for Writ of Mandamus directing the respondents herein to survey the property and issue a patta in the name of the petitioner.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner has not produced any relevant document such as Settlement Deed executed in favour of her son and her family in the writ petition. However, the respondents may be directed to survey the said property and issue patta after verifying the valid documents which are kept by the petitioner herein.



5. Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.

6. Having considered the facts and circumstances of the case and submissions made by the learned Government Advocate appearing for the respondents, without going into the merits of the case, the respondents are directed to take action on the application dated 16.07.2019 and representation dated 02.11.2020 filed by the petitioner herein within a period of four months from the date of receipt of copy of this order after verifying relevant documents kept on the side of the petitioner herein with regard to the said property.

7. With the aforesaid directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The District Collector,
Villupuram.
2. The Tahsildar,
Vikravandi,
Villupuram District.

+1CC to Mr.Government Pleader, Sr.No.50871

W.P. No.20804 of 2021

PVS (CO)

K.RK. (13.10.2021)