

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 17.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.34401 of 2018

L.Lakshmi

... Petitioner

Vs.

1.The District Collector,
Office of the Collectorate,
Vellore.

2.The Tahsildar,
Office of the Tahsildar,
Arakkonam,
Vellore District.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the representation of the petitioner dated 22.10.2018 to measure and survey the road and thereafter to plant the boundary stone around the road with a stipulated period of time.

For Petitioner : Mr.V.Nithyanandam

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of mandamus to direct the second respondent to consider the representation of the petitioner dated 12.10.2018 to measure and survey the road and thereafter to plant the boundary stone around the road within a stipulated period of time.

2.The petitioner's husband and his brother had joint property at various survey numbers such as in Punjai Survey No.37/1, Ward C Block, T.S.No.1/3, measuring to an extent of 1300 sq. meter in all totalling 0.28 cent and Punjai Survey No.37/04 Ward C Block 3, T.S.No.1/5A, in full 4868 sq. meter in all totalling 1.20 acre.

3.Subsequently, there has been a partition between the petitioner's husband and his brother on 22.09.1984, accordingly the share of the petitioner's husband was allotted to him, who has taken possession of the said land and enjoyed the same till his lifetime, the petitioner husband died on 06.09.2003. Thereafter, the petitioner and her children had inherited the property i.e. the share allotted to the petitioner's husband and had been continuously enjoying the same. While that being so, it seems that, there has been a trouble with regard to usage of the road, which is a direct access to the property in question belongs to the petitioner to have ingress and egress and therefore, in order to purchase peace, the petitioner wanted to measure the land and identify the boundaries and to plant the boundary stone. Therefore, in this regard she had given a request on 12.10.2018 to the second respondent Tahsildar to measure the land and to let the boundary stone which request since has not been considered, she had approached this Court by filing the present writ petition with the aforesaid prayer.

4.Heard Mr.V.Nithyanandam, learned counsel appearing for the petitioner, who have reiterated the facts and would submit that, indulgence can be shown by this Court by giving a direction to the second respondent Tahsildar to act upon on the representation of the petitioner dated 12.10.2018 and in this regard, whatever the fee to be charged by the second respondent Tahsildar office, the petitioner is ready and willing to remit the same within a time frame to be stipulated by this Court.

5.I have heard Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondents who would submit that, if at all the land of the petitioner has to be measured and after identifying the boundary, stones to be laid, necessary fee to that effect to be fixed by the Tahsildar concerned have to be paid by the petitioner and once such fee is paid, certainly, the land would be measured and the needful would be done within a time frame.

6.I have considered the said submissions made by the learned counsel appearing for both parties and perused the materials placed before this Court.

7.In view of the said submissions made by both sides and by taking into account the innocuous nature of the prayer sought for herein, this Court is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the second respondent Tahsildar to consider the representation of the petitioner dated 12.10.2018 and decide the same, after collecting necessary fee in this regard from the

petitioner and accordingly act upon by measuring the land in question to identify the boundary and to lay the boundary stones, if the petitioner is entitled to have such facilities and in this regard, the second respondent Tahsildar, after having satisfied with the ownership and otherwise of the petitioner by perusing the documents in this regard, can proceed to survey the land to identify the boundary of the petitioner's land and to do the needful. The aforesaid exercise shall be undertaken by the second respondent, after receipt of the necessary fee from the petitioner, for which, a communication can be sent to demand the fee to be paid, within a period of twelve weeks thereafter.

9. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Sgl

To

1. The District Collector,
Office of the Collectorate, Vellore.
2. The Tahsildar,
Office of the Tahsildar,
Arakkonam, Vellore District.

+1cc to the Government Pleader, S.R.No.23658

W.P.No.34401 of 2018

PMK (CO)
CB(18/05/2021)

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