



WEB COPY

W.P.(MD)No.285 of 2021
Avadi @ Avadaiyammal v. The Tahsildar

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.285 of 2021

(Through Video Conferencing)

Avadi @ Avadaiyammal

... Petitioner

Vs.

1.The Tahsildar
Peraiyur Taluk Office,
Peraiyur, Madurai.

2.The Taluk Surveyor,
Peraiyur Taluk Office,
Madurai.

3.The Inspector of Police,
T.Ramanathapuram Police Station,
Peraiyur Taluk
Madurai District.

... Respondents

(cause title amended as per the order of this Court
dated 21.06.2021 in WMP(MD) No.4578/2021)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to conduct the survey on the basis of petitioner's application dated 07.09.2020 with the aid of the 3rd respondent.

For Petitioner :Mr.T.Vadivelan

For Respondents :Mr.R.Sureshkumar

Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the application submitted by the petitioner on 07.09.2020, wherein, the petitioner has sought for the survey of the subject property and for fixing of the boundaries.

2. The case of the petitioner is that the subject property originally belonged to her husband and patta was also granted in his favour. After his lifetime, the property vested with the petitioner and her son. The son of the petitioner is said to have executed a settlement deed and settled the property in favour of the petitioner. According to the petitioner, the patta was also granted



in the name of the petitioner and her daughter and they are cultivating in the property.

3. The petitioner made an application on 07.09.2020 to the first and second respondents seeking for survey of the property and to fix the boundary stones. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to consider the application submitted by the petitioner on 07.09.2020 and deal with the same on its own merits and in accordance with law and take a decision with regard to the survey of the subject property within a period of four weeks from the date of receipt of a copy of this order. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall be given to them before undertaking the survey in the subject property.

6. The petitioner is directed to make a fresh representation to the second respondent along with a copy of all the documents and also a copy of this order. A copy of the representation shall also be marked to the first respondent.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Tahsildar
Peraiyur Taluk Office,
Peraiyur
Madurai.

2.The Taluk Surveyor,
Peraiyur Taluk Office,
Madurai
Madurai.

3.The Inspector of Police,
T.Ramanathapuram Police Station,
Peraiyur Taluk
Madurai District.

+1 CC to M/s.SPL GP (SR-19919[F] dated 22/06/2021)

W.P. (MD) No.285 of 2021

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