



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.8481 of 2021

WEB COPY

Achara Chithra Parvathi

.. Petitioner

Vs.

1.The Tahsildar,
Nilakottai Taluk Office,
Dindigul District.

2.The Taluk Surveyour,
Nilakottai Taluk Office,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to conduct survey in the petitioner's property in S.F.No.381/5 New No.381/5A2B2 for an extent of 8 cents situated at Badlkundu, Nilakottai Taluk, Dindigul District and issue separate patta in favour of the petitioner within the time frame fixed by this Court.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.K.P.Narayanakumar,
Spl. Government Pleader.

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 17.02.2020, wherein the petitioner is seeking for the survey of the subject property and for the issuance of a separate patta in her name.

2. The case of the petitioner is that the subject property was purchased by her father in the year 1953, by virtue of a registered Document, registered as 1397/1953. The further case of the petitioner is that her father executed a settlement deed in favour of the petitioner for an extent of 5 cents of land, by virtue of a registered settlement deed, dated 29.03.1961. It is stated that the petitioner also purchased an extent of three cents from her sister, who was also settled five cents of land by her father. The petitioner is thereby claiming to be in possession and enjoyment of 8 cents of land and according to the petitioner, there is a joint patta that has been issued in the name of the petitioner and her sister.



3. The petitioner made an application before the respondents on 17.02.2020, seeking for survey of the property and for the subdivision and for issuance of a separate patta in the name of the petitioner insofar as the portion of the property, which is in her possession and enjoyment. The grievance of the petitioner is that the respondents have not acted upon the application and left with no other option, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.T.Vadivelan, learned counsel appearing on behalf of the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader appearing on behalf of 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 respondents to consider the application submitted by the petitioner on 17.02.2020, and take a decision with regard to conducting the survey, within a period of four (4) weeks from the date of receipt of a copy of this order. If there are any other interested persons, notice shall also be issued before undertaking the survey.

6. The petitioner is directed to make a fresh representation to the respondents along with all the relevant documents and also a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

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,
Nilakottai Taluk Office,
Dindigul District.

2.The Taluk Surveyour,
Nilakottai Taluk Office,
Dindigul District.

+1 CC to M/s.SPL GP (SR-17570[F] dated 26/04/2021)

W.P. (MD)No.8481 of 2021
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RK(11.05.2021) 3P 4C