



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8950 of 2021

Santhanamari

...Petitioner

Vs.

1.The District Collector,
District Collector Office,
Thoothukudi,
Thoothukudi District.

2.The Tashildar,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi District.

3.The Deputy Taluk Surveyor,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi District.

4.Krishnan

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 to 3 respondents to survey the petitioner's lands, bearing Survey No.1/1J & 1/2J, situating in Ramanathapuram Village, Thoothukudi Taluk, Thoothukudi District and to fix its boundaries as per the revenue records by considering the petitioner's application dated 03.02.2021 and representations dated 17.04.2021 and 23.04.2021 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.N.Ramesh Arumugam

For R1 to R3 : Mr.S.Angappan
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents 1 to 3 to consider the application submitted by the petitioner on 03.02.2021, wherein, the



petitioner has sought for the survey of the subject property and for fixing the boundaries.

2. The case of the petitioner is that she is the owner of the subject property, by virtue of a registered sale deed, dated 26.04.1985. The further case of the petitioner is that she was also granted patta in patta Nos.368 and 369 and the revenue records stood in her name. The petitioner wanted to conduct a survey of the subject property and to fix the boundaries. The petitioner, therefore, made an application before the respondents 1 to 3 on 03.02.2021 and also paid the necessary charges on 05.02.2021. The grievance of the petitioner is that when the third respondent attempted to survey the subject property, the same was objected by the fourth respondent and hence, the third respondent did not conduct the survey.

3. Even thereafter, the petitioner made several representations and the same did not evoke any response. Left with no other alternative, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.N.Ramesh Arumugam, learned Counsel appearing on behalf of the petitioner and Mr.S.Angappan, learned Government Advocate appearing on behalf of the respondents 1 to 3.

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 and third respondents to consider the application submitted by the petitioner on 03.02.2021 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 after affording opportunity to the petitioner and the fourth respondent and the second and third respondents shall take the decision based on the title deeds of the parties.

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

7. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The District Collector,
District Collector Office,
Thoothukudi,
Thoothukudi District.

2.The Tashildar,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi District.

3.The Deputy Taluk Surveyor,
Taluk Office,
Thoothukudi Taluk,
Thoothukudi District.

+1 CC to M/s.GP (SR-18388[F] dated 03/05/2021)

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.

Order made in
W.P. (MD) .No.8950 of 2021
Dated:
30.04.2021

AS (07.06.2021) 3P 5C