



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10262 of 2021

(Through Video Conferencing)

Mathuranthagi

... Petitioner

Vs.

1.The District Collector
Collectorate,
Madurai District

2.The Tahsildar
Madurai South Taluk
Madurai District.

3.The Surveyor,
Madurai South Taluk
Madurai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 22.04.2021 and to survey and fix the boundaries of the property of the petitioner situated in Madurai District, Madurai South Taluk, Perungudi Village, Old Survey no.96, New Survey No.119/1 13, to an extent of 10 cents as per the Tamilnadu Survey and Boundaries Act, 1923 and consequently to make necessary mutation in the revenue records pertaining to the property of the petitioner within a time frame as may be fixed by this Court.

For Petitioner
For Respondent

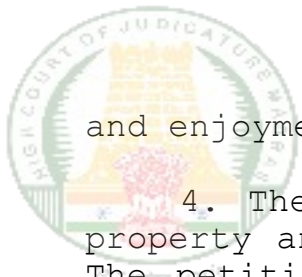
:Ms.P.Jessi Jeeva Priya
:Mr.M.Lingadurai
Government Advocate (civil)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the representation made by the petitioner on 22.04.2021, wherein the petitioner has sought for survey of the subject property and to fix the boundaries and to make necessary mutation in the revenue records.

2.The case of the petitioner is that the subject property was purchased by her mother through a registered sale deed dated 19.08.1981. The mother of the petitioner died on 09.12.2010 leaving behind the petitioner and her two brothers as her legal heirs. A Will dated 21.08.2008 was also executed by her and the same was also registered.

3. It is stated that the petitioner is in peaceful possession



and enjoyment of the property.

4. The petitioner wanted to undertake a survey of the subject property and to fix the boundaries in order to fence the property. The petitioner therefore made an application on 12.01.2021 to the respondents in this regard. Since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Civil) for the respondents.

6. 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 2 and 3 to consider the representation made by the petitioner on 22.01.2021 and take a decision with regard to the survey of the property strictly in accordance with law within 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 also be given to them.

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

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

Sd/-

Assistant Registrar (CSII)

// 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 District Collector
Collectorate,
Madurai District



2.The Tahsildar
Madurai South Taluk
Madurai District.

3.The Surveyor,
Madurai South Taluk
Madurai District.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate (SR-19727[F] dated
21/06/2021)

+1 CC to M/s.SPL GP (SR-19747[F] dated 21/06/2021)

W.P. (MD) No.10262 of 2021
18.06.2021

KB(25.06.2021) 3P 6C