



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.10825 of 2021

(Through Video Conferencing)

Maruthayee

... Petitioner

Vs.

1.The Tahsildar

Kuzhiliamparai Taluk Office,
Kuzhiliamparai
Dindigul District

2.The Head Surveyor,

Kuzhiliamparai Taluk Office,
Kuzhiliamparai
Dindigul District.

3.Rathinam

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to measure the petitioner's property and pathway situated in Survey No.547/1C and Survey no.547/1B1 at Palayam village, Kuzhiliamparai Taluk, Dindigul District based on the petitioner's representation dated 05.10.2020.

For Petitioner

:Mr.G.Gomathi Shankar

For Respondents

:Mr.M.Lingadurai for R1 & R2
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first and second respondents to act upon the representation/application submitted by the petitioner on 05.10.2020, wherein, the petitioner has sought for the survey of the subject property.

2. The case of the petitioner is that she purchased the subject property under registered sale deed dated 30.01.2013. According to the petitioner, the third respondent is the adjacent owner and he started put up construction. It is stated that the third respondent started encroaching upon the property of the petitioner. This was done in spite of the objections raised by the petitioner.



3. The petitioner therefore, made a representation to the first respondent on 05.10.2020 requesting for conducting a survey in the subject property as per the title documents of the petitioner and the third respondent, so that the confusion can be avoided and each party will be able to enjoy their respective properties. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 and 2.

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 first respondent to consider the representation made by the petitioner on 05.10.2020 and deal with the same on its own merits and in accordance with law and take a decision, regarding surveying the subject property within a period of four weeks from the date of receipt of a copy of this order.

6. The first respondent shall issue notice to the third respondent before undertaking the survey and the survey shall be conducted only based on the title documents of the petitioner and the third respondent.

7. The petitioner is directed to make a fresh representation to the first respondent along with all 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 (CS-III)

// 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
Kuzhiliamparai Taluk Office,
Kuzhiliamparai
Dindigul District

2.The Head Surveyor,
Kuzhiliamparai Taluk Office,
Kuzhiliamparai
Dindigul District.

+1 CC to MR.G.GOMATHISANKAR, Advocate (SR-20626[F] dated 30/06/2021)

+1 CC to SPL GP (SR-20896[F] dated 01/07/2021)

W.P. (MD) No.10825 of 2021
30.06.2021

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