



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13858 of 2021

WEB COPY

A.Chitra

... Petitioner

Vs.

1. The Joint Director,
Land Survey Division,
District Collectorate,
Theni District.

2. The Town Survey Inspector,
Land Survey,
Allinagaram Municipality,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to resurvey the suit property situated in Survey No.220/2 after considering the petitioner's representation, dated 12.04.2021 within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.R.Baskaran

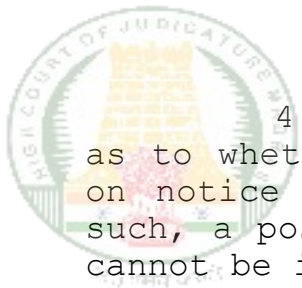
Counsel for State.

ORDER

The petitioner seeks resurvey of the property bearing Survey No. 220/2, situated at Allinagaram Village, Theni District.

2. According to the petitioner, she is the absolute owner of the property. On account of a dispute with a neighbour, it was decided to conduct a survey of the property. Without issuing notice to the petitioner, it is alleged that the second respondent surveyed the land and that, therefore, such survey is not valid. In such facts and circumstances, the petitioner submitted a representation on 12.04.2021 to the first respondent and has filed the present Writ Petition on account of the fact that no action was taken on her representation.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both respondents and submits that the petitioner's representation would be considered and disposed of on merits.



4. From the documents on record, it cannot be ascertained as to whether the statement of the petitioner that she was not put on notice before the earlier survey is a truthful statement. As such, a positive direction to the respondents to conduct a resurvey cannot be issued.

WEB COPY

5. Accordingly, without going into the merits of the matter, the respondents herein are directed to consider the petitioner's representation dated 12.04.2021 for a resurvey of the property in Survey No.220/2 and to dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, Mr.Palpandi and any others who may be affected by such decision. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.13858 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Joint Director,
Land Survey Division,
District Collectorate,
Theni District.
2. The Town Survey Inspector,
Land Survey,
Allinagaram Municipality,
Theni District.

+1 CC to M/s.G.M.XAVIER, Advocate (SR-25764[F] dated 10/08/2021)
+1 CC to M/s.SPL GP (SR-26057[F] dated 12/08/2021)

W.P(MD)No.13858 of 2021
10.08.2021