



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13937 of 2021

and

W.M.P(MD)No.10885 of 2021

WEB COPY

Vasanthakumari

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Commissioner-Land Administration,
Government of Tamilnadu,
Chepauk, Chennai.

4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

5.The Head Surveyor,
Karaikudi Taluk,
Sivagangai District.

6.A.T.Lakshmanan Chettiyar,

7.A.T.Ganesan

8.S.Kannan

9.P.Vasuki

10.Balamurugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1, 4 and 5 to conduct survey and to demarcate the petitioner's Plot situated in Old S.No.249/17C, New Survey No.656/12B, to the extent of 10 cents at Kallal Village, Kallal Group, Sivagangai District based on the petitioner's representation, dated 19.07.2021.

For Petitioner : M/s.T.Villavankothai

For Respondents : Mr.R.Baskaran for R1 to R5
Counsel for State.



ORDER

The petitioner seeks a direction to respondents 1 to 4 and 5 to conduct a survey and mark the boundary stones in respect of her plot bearing Old S.No.249/17C, New Survey No.656/12B at Kallal Village, Kallal Group, Sivagangai District.

WEB COPY

2. The petitioner states that she purchased a house-site from one N.Soundaram on 09.08.2020 under a sale deed bearing Registration No.2353 of 2000. It is also stated that the petitioner has obtained a patta in respect of such property on 12.04.2021. In spite of making an application to the Tahsildar and remitting the requisite fees, it is stated that the third respondent subsequently informed the petitioner that no such file is pending with him. The present Writ Petition is filed in these facts and circumstances.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 5. He states that the petitioner's representation may be considered and disposed of on merits.

4. The averments in the affidavit reflect that there is a dispute between the petitioner and respondents 6 to 10. According to the petitioner, such respondents are attempting to encroach upon the property of the petitioner and that they are preventing the conduct of survey. Needless to say, the said respondents would have to be heard before a survey is conducted.

5. Accordingly, without going into the merits of the matter, the fourth and fifth respondents herein are directed to consider the petitioner's representation dated 19.07.2021 for the conduct of a survey and for fixation of boundary stones and pass a reasoned order thereon after providing a reasonable opportunity of hearing to the petitioner, respondents 6 to 10 herein and any other persons who would be affected by the conduct of such survey. 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.13937 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P.(MD).No.10885 of 2021 is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg



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.

WEB COPY

To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 3.The Commissioner-Land Administration,
Government of Tamilnadu,
Chepauk, Chennai.
- 4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.
- 5.The Head Surveyor,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.GP (SR-26071[F] dated 12/08/2021)

W.P (MD) No.13937 of 2021
11.08.2021

RD(19.08.2021) 3P 7C