



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 10.08.2021**

**CORAM**

WEB COPY

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P(MD)No.13916 of 2021**

Mrs.Malarkodi

... Petitioner

**Vs.**

1. The District Collector,  
Theni District.

2. The Tahsildhar,  
Uthamapalayam Taluk,  
Theni District.

3. The Village Administrative Officer,  
Odaipatti,  
Uthamapalayam Taluk,  
Theni District.

4. Mr.Alagarsamy

... Respondents

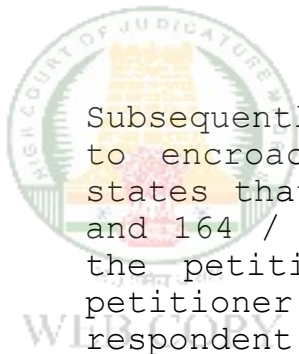
**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to survey the land in S.F.No.164/1B, 1C situated in Moorthynaickenpatti, Odaipatti, Uthamapalayam Taluk, Theni District and demarcate the boundary of property within a time that may be stipulated by this Court.

For Petitioner : Mr.R.Karthika  
M/s.Right Law Associates  
For R-1 to R-3 : Mr.P.Subburaj  
Counsel for State

**ORDER**

The petitioner seeks a survey of land in S.F.Nos.164/1B and 164/1C situated at Moorthynaickenpatti, Odaipatti, Uthamapalayam Taluk, Theni District and the demarcation of boundaries pursuant to such survey.

2. The petitioner states that her husband had purchased the property described above by a registered sale deed dated 11.07.1973. The petitioner further states that her husband's name was entered in all the relevant revenue records in respect of such property.



Subsequently, it is alleged that the fourth respondent made attempts to encroach upon and usurp such property. The petitioner also states that the property came to be subdivided as Survey Nos.164 1B and 164 / 1C by the Revenue Department without prior intimation to the petitioner. In such circumstances, it is stated that the petitioner submitted a representation on 09.03.2021 to the third respondent herein. In response thereto, the petitioner states that the first respondent issued proceedings dated 26.04.2021 to the second respondent to take action on the basis of the petitioner's representation. In view of the failure to take action on such representation, the present Writ Petition is filed.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3. He submits that the second respondent may be directed to dispose of on such representation on merits.

4. Although the petitioner has prayed for a positive direction to survey the land, such positive direction cannot be issued in view of the dispute between the petitioner and the fourth respondent. Nonetheless, the second respondent may be directed to consider and dispose of the petitioner's representation.

5. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the fourth respondent and any other persons who would 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.13916 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (P&A)

// 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.



To

1. The District Collector,  
Theni District.

2. The Tahsildhar,  
Uthamapalayam Taluk,  
Theni District.

3. The Village Administrative Officer,  
Odaipatti,  
Uthamapalayam Taluk,  
Theni District.

+1 CC to M/s.GP ( SR-25901[F] dated 11/08/2021 )

W.P (MD) No.13916 of 2021

**10.08.2021**

MGJ(19.08.2021) 3P 5C