



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.14569 of 2021

Muthammal

... Petitioner

Vs.

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Virudhunagar,
Virudhunagar District.

3.The Sub Inspector of Surveyor,
Ondipulinaickanur Circle,
Virudhunagar Taluk,
Virudhunagar District.

4.Velsamy

... Respondents

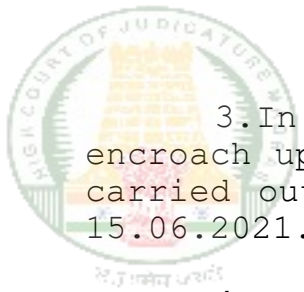
Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd and 3rd respondents to conduct survey and measurement of the property situated in S.No.1673/3 as per survey records in Manaivari Thoraya Patta No.873 of Ondipulinaickanur Village, Virudhunagar Taluk, Virudhunagar District on the basis of petitioner's representation dated 15.02.2021, which is now pending before the 3rd respondent in FLA No.58/21 with necessary protection.

For Petitioner	: M/s.D.Farjana Ghoushia for Mr.G.Mariappan
For R1 to R3	: Mr.R.Baskaran Counsel for State

ORDER

The petitioner seeks a direction for the Survey of the property situated in Survey No.1673/3 at Ondipulinaickanur Village, Virudhunagar Taluk, Virudhunagar District

2.The petitioner claims that she was given a house plot in 1994 and that she constructed a house thereon. It is stated that a manaivari thoraya patta was issued to the petitioner on 30.07.1994. The petitioner has also produced the house tax receipt in relation to the property.



3. In view of the attempts by the fourth respondent to encroach upon the property, the petitioner intends to have a survey carried out and states that she remitted the necessary charges on 15.06.2021.

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

5. Although the petitioner has enclosed documents indicating that a manaivari thoraya patta was issued to her and that she is in possession of the property, it appears that the fourth respondent is challenging her rights over the property. Accordingly, it would be necessary that the fourth respondent is heard before the petitioner's application for survey is decided.

6. Accordingly, without going into the merits of the matter, the second and third respondents herein are directed to consider the petitioner's application dated 15.02.2021 for conducting a survey of the property bearing Survey No.1673/3 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner, the fourth respondent herein and owners of the adjoining properties who may 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. In view of the fact that the merits of the matter have not been gone into and because the second and third respondents have been directed to hear the fourth respondent before passing orders, the Writ Petition is disposed of without notice to the private respondent.

7. W.P(MD).No.14569 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

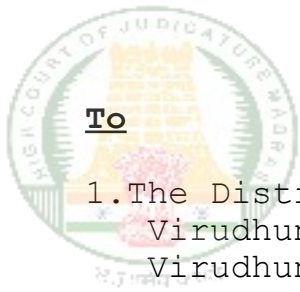
Assistant Registrar (CS II)

// 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 District Collector,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
Virudhunagar,
Virudhunagar District.

3.The Sub Inspector of Surveyor,
Ondipulinaickanur Circle,
Virudhunagar Taluk,
Virudhunagar District.

+1 CC to M/s.The Special Government Pleader(SR-26779[F] dated
19/08/2021)

W.P. (MD) .No.14569 of 2021
18.08.2021

RS (27.08.2021) 3P 5C