



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.15827 of 2021

V.Manoranjitham

... Petitioner

Vs.

1.The Tahsildar,
Office of the Natham Taluk Office,
Natham,
Dindigul District.

2.The Taluk Surveyor,
Office of the Natham Taluk Office,
Natham,
Dindigul 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 respondents herein to survey and demarcate and fix the boundary stones in the petitioner land comprised in Survey No.183/2, 245/1 A3, 253/6 B and 253/7 B 2A of a total extent of 1.93.00 ares situated at Kulagipatti Village, Natham Taluk, Dindigul District vide patta No.614, by considering the petitioner's application dated 13.07.2021 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.P.Subbaraj
Counsel for the State

ORDER

The petitioner seeks the survey of the property in survey No.183/2, 245/1 A3, 253/6 B and 253/7 B 2A at Kulagipatti Village, Natham Taluk, Dindigul District.

2. The petitioner states that the aforesaid properties originally belonged to her father namely, Kuruva. After his death, the said properties devolved on the petitioner and her brother Kanthaiah. A joint patta in the name of the petitioner and her brother Kanthaiah has been enclosed in support of the petition. The petitioner states that her brother died on 05.07.1996. After submitting a representation on 04.08.2021 and remitting the necessary fees for survey on 13.07.2021, the present writ petition is filed.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's request for a survey may be considered and disposed of on merits.



4. The petitioner has enclosed patta No.614. The said patta relates to properties bearing survey No.183/2, 245/1 A3, 253/6 B and 253/7 B 2A. Such patta has been issued to one Kanthaiah and the petitioner. The petitioner has averred that the said Kanthaiah is her brother and the patta also indicates that their father is Kuruva Naicker. A document purporting to be a death certificate has been enclosed. However, such document is not legible. It appears to be in the Telugu language. In these circumstances, it would be necessary for the first respondent to issue notice to the said Kanthaiah or his legal heirs before a decision is taken on the petitioner's application.

5. Accordingly, the first respondent is directed to consider the petitioner's representation dated 04.08.2021 for conducting a survey of her land. Such representation shall be considered and disposed of by a reasoned order after providing a reasonable opportunity to the petitioner and Kanthaiah or his legal heirs. For such purpose, the petitioner is permitted to submit a certified translated copy of the death certificate of Kanthaiah and the details of the legal heirs of Kanthaiah to the first respondent. Such documents and information shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the first respondent is directed to take the above into account and issue a reasoned order within a period of three months therefrom.

6. W.P.(MD).No.15827 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)

sbn

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,
Office of the Natham Taluk Office,
Natham,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Taluk Surveyor,
Office of the Natham Taluk Office,
Natham,
Dindigul District.

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+1 CC to M/s.GP (SR-28333[F] dated 07/09/2021)

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06.09.2021

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