



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.16304 of 2021

WEB COPY

N.Dhanalakshmi

... Petitioner

Vs.

1.The Tahsildar,
Thirupparankuntram Taluk,
Thirunagar, Madurai District.

2.The Taluk Surveyor,
Taluk Office,
Thirupparankuntram Taluk,
Thirunagar, Madurai District.

3.The Inspector of Police,
C2, Subramaniyapuram Police Station,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to conduct survey and to demarcate the land in resurvey N0.421/4A in patta No.657, situated at Veeramudaiyan Main Street, Madakulam Village, Madurai District by considering the application of the petitioner dated 04.08.2021 and consequently to direct the third respondent to provide protection if necessary for the same.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.P.Subbaraj

Counsel for the State

ORDER

The petitioner seeks a survey of the land in resurvey No.421/4A at Veeramudaiyan Main Street, Madakulam Village, Madurai District.

2.The petitioner traces title to the above mentioned property through her great grandfather. A patta in the name of his father, Nallusami, is cited in support of the petition. The petitioner also refers to a family settlement deed dated 20.03.2009, which was registered as document No.2575 of 2009.

3. The petitioner states that her father had one son and five daughters, including herself. A legal heir certificate has been enclosed to corroborate the aforesaid statement. In order to survey and demarcate the property, an application was submitted on 04.08.2021 of the first respondent herein. The present writ petition



is filed on account of the alleged failure of the said respondent to act thereon.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the first respondent may be directed to consider the petitioner's application and dispose of the same on merits.

5. As indicated above, the petitioner has enclosed the patta in his father's name. The sale deed under which his great grandfather purchased the property is also enclosed. The legal heirship certificate dated 01.04.2015 indicates the names of the petitioner's mother and five siblings. Therefore, the said persons should be put on notice before a decision is taken on the petitioner's application for survey. In addition, the owners of adjoining properties, whose boundaries may be affected by the conduct of the survey should also be put on notice.

6. Accordingly, without going into the merits of the matter, the first and second respondents are directed to consider petitioner's application dated 04.08.2021 and either conduct a survey in response thereto or issue a reasoned order indicating the reasons for refusing to conduct such survey. Before taking the aforesaid action, a reasonable opportunity should be provided to the petitioner, the legal heirs of the petitioner's father as indicated in the legal heir certificate dated 01.04.2015, and the owners of adjoining properties, whose boundaries may be affected by the conduct of a survey. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

7. W.P.(MD).No.16304 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

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.

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



To

1.The Tahsildar,
Thirupparankuntram Taluk,
Thirunagar, Madurai District.

2.The Taluk Surveyor,
Taluk Office,
Thirupparankuntram Taluk,
Thirunagar, Madurai District.

3.The Inspector of Police,
C2, Subramaniyapuram Police Station,
Madurai District.

+1 CC to M/s.SPL. GP (SR-29086[F] dated 15/09/2021)

W.P(MD).No.16304 of 2021

14.09.2021

GC(22.09.2021) 3P 5C