



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.16465 of 2021

Nagarathinam

... Petitioner

Vs.

1.The Commissioner,
Theni Allinagaram Municipality,
Theni.

2.The Head Surveyor,
Theni Allinagaram Municipality,
Theni.

... 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 to survey the petitioner's land in S.No.161/2 situated within the jurisdiction of the respondents, by considering the petitioner's representation dated 16.08.2021.

For Petitioner : Mr.K.N.Guru
For R1 and R2 : Mr.K.S.Selva Ganesan
Counsel for the State

ORDER

The petitioner seeks a survey of the land bearing Survey No.161/2 by considering her representation dated 16.08.2021.

2. The petitioner states that she is the owner of the land bearing Survey No.161/2 of an extent of 2400 square feet. Such land was purchased by the petitioner under a registered sale deed dated 12.11.1998. In order to survey the relevant property, the petitioner states that she approached the Municipality and the Head Surveyor on several occasions but no action was taken in such regard. The present writ petition is filed in such facts and circumstances.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, appears on behalf of both the respondents. He submits that the petitioner has relied upon the proceedings of the Tahsildar dated 22.11.2000, but she has not produced a copy of the patta issued pursuant to such proceedings for the sub-divided property.



4. In support of the petition, the petitioner has enclosed a copy of the registered sale deed dated 12.11.1998. In addition, the petitioner has produced the copy of the proceedings of the Tahsildar, Theni, dated 22.11.2000. The said proceedings indicate that the lands in Survey No.161/2 were ordered to be sub-divided. The proceedings indicate that the said survey number was to be sub-divided as 5/6A, 5/6B, 5/6C, 5/6D, 5/6E and 5/6F. However, in the absence of the separate patta pursuant to sub-division, it is unclear as to whether consequential orders were issued. The said proceedings also indicate that five persons are recorded as the owners of Survey No.161/2. The said persons are the petitioner, namely, Nagarathinam, Sridharan, Ramu, Tamilarasi and Rathinavel. Consequently, the said persons should be put on notice and provided a reasonable opportunity before a decision is taken on the petitioner's request for survey.

5. Accordingly, without going into the merits of the matter, the respondents herein are directed to consider the petitioner's representation dated 16.08.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, Sridharan, Ramu, Tamilarasi and Rathinavel, who are the joint pattadars of Survey No.161/2. In addition, the respondents shall put the adjoining land owners whose boundaries may be impacted by conduct of survey on notice. Such reasoned order shall be issued within a period of three months from the date of receipt of a copy of this order.

6. W.P(MD).No.16465 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Pkn

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 Commissioner,
Theni Allinagaram Municipality, Theni.

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



2.The Head Surveyor,
Theni Allinagaram Municipality,
Theni.

+1 CC to M/s.SPL. GP (SR-30146[F] dated 24/09/2021)

W.P (MD) No.16465 of 2021
22.09.2021

RD(29.09.2021) 3P 4C