



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16719 of 2021

A.Kali @ Kaliyammai

... Petitioner

Vs.

1.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

2.The Surveyor,
Sivagangai Taluk,
Sivagangai 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 to conduct survey and measure the properties comprised in Survey No.509/1, to the extent of 1.21.5 hectares, situated in Kanjirangal Village, Idaiyamalur Group, Sivagangai Taluk, Sivagangai District and fix boundaries thereon by considering the application dated 09.06.2021 within a specified time as may fixed by this Court.

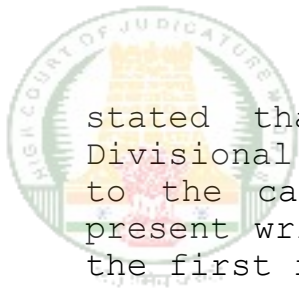
For Petitioner	:	Mr.A.Mohan
For Respondents	:	Mr.P.Subbaraj Counsel for State

ORDER

The petitioner seeks a direction for the conduct of a survey in respect of the property bearing Survey No.509/1 of an extent of 1.21.5 hectares, at Kanjirangal Village, Idaiyamalur Group, Sivagangai Taluk, Sivagangai District, on the basis of her application dated 09.06.2021.

2.The petitioner states that the above mentioned land was allotted to her under assignment order dated 16.05.1998. Pursuant to such assignment, she states that she is in uninterrupted possession and enjoyment of the relevant property. The patta issued to her is relied upon in support of her rights in respect of such property.

3.The petitioner states that she had approached the first respondent on 09.06.2021 with a request to survey the property by also remitting the requisite fees in such regard. Meanwhile, it is



stated that the petitioner received summons from the Revenue Divisional Officer, Sivagangai in relation to an inquiry pertaining to the cancellation of the assignment order in her favour. The present writ petition is filed on account of the alleged failure of the first respondent to act on the application dated 09.06.2021.

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4.Mr.PSubbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's application may be considered and disposed of on merits.

5.The petitioner has enclosed a copy of the assignment order dated 16.05.1998 and the patta issued to the petitioner subsequently. However, it should be noted that preliminary steps appear to have been taken to inquire whether the relevant assignment should be cancelled. Therefore, this aspect of the matter should be taken into account before taking a decision on the petitioner's request for survey.

6.Accordingly, without going into the merits of the matter, but subject to the observations contained herein, the first respondent is directed to consider the petitioner's request for survey after ascertaining as to whether the relevant assignment has been cancelled. Such representation shall be considered and disposed of by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner.

7. W.P.(MD).No.16719 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)

Sn/Sji

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,
Sivagangai Taluk,
Sivagangai District.

2.The Surveyor,
Sivagangai Taluk,
Sivagangai District.

+1 CC to M/s.SPL. GP (SR-29575[F] dated 20/09/2021)

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17.09.2021

NSN (CO)
KB (28.09.2021) 3P 4C