



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17369 of 2021

V.Kasthuri

... Petitioner

Vs.

1.The Tahsildar,
Office of the Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Puliyankulam,
Kovilpatti,
Thoothukudi 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 to conduct survey and fix boundaries in the lands comprised in Survey No.140/1 to an extent of 0.19.50 Hectares, Survey No.213/5C to an extent of 0.36.50 Hectares and Survey No.325/8B to an extent of 0.96.0 Hectares situated at Puliyankulam Village, Kovilpatti, Thoothukudi District, on the basis of the petitioner's application dated 15.06.2021 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Pon Karthikeyan
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a survey and the fixation of boundaries in respect of the lands bearing Survey No.140/1, Survey No.213/5C and Survey No.325/8B at Puliyankulam Village, Kovilpatti, Thoothukudi District.

2.The petitioner traces title to the said property under a settlement deed dated 22.09.2015, which was executed by her husband in her favour. The petitioner also cites the pattas issued to her in respect of the above mentioned survey numbers.

3.Upon approaching the respondents by application dated 15.06.2021 for a survey of the above mentioned properties, it is stated that such survey was not conducted. The present Writ Petition is filed for such purpose.



4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's application for survey may be considered after putting the petitioner's brother-in-law and / or his legal heirs on notice.

5.The petitioner has enclosed a copy of the registered settlement deed dated 22.09.2015. Upon perusal thereof, it is evident that the relevant properties were jointly owned by the petitioner and his brother, Thiru.Aiylasamy and members of their family. Joint Patta Nos.3, 812, 1015 and 1388 are referred to therein. The settlement deed does not refer to a registered partition deed under which the petitioner's husband was allotted the relevant share. Therefore, it would be necessary to put the said Thiru.Aiylasamy and other members of the family in whose names the joint pattas had been issued on notice before the petitioner's application for survey is decided.

6.Accordingly, without entering any findings on the merits of the matter but subject to the above observations, the respondents are directed to consider the petitioner's application dated 15.06.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the petitioner's brother-in-law, Thiru.Aiylasamy, and other joint pattadhars under Patta Nos.3, 812, 1015 and 1388. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

7.W.P.(MD).No.17369 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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 Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Puliyankulam,
Kovilpatti,
Thoothukudi District.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-30462[F] dated
28/09/2021)

+1 CC to M/s.SPL.GP (SR-30582[F] dated 29/09/2021)

**W.P (MD) No.17369 of 2021
28.09.2021**

NSN (CO)

RS (06.10.2021) 3P 5C