



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17638 of 2021

M.Bharsha Begum

... Petitioner

Vs.

1.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

2.The Head Surveyor,
Thiruvaiyaru Taluk,
Thanjavur District.

3.The Surveyor,
Thiruchotrudurai Village,
Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 17.02.2021 given to measure the petitioner's land bearing Survey No.150/1D2 admeasuring 10 Ares situated at Thiruchotrudurai Village, Thiruvaiyaru Taluk, Thanjavur District and identify the four boundaries in the said property.

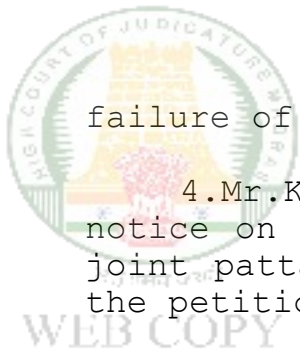
For Petitioner	: Mr.M.Vivek
For Respondents	: Mr.K.S.Selva Ganesan, Counsel for the State

O R D E R

The petitioner seeks a survey of the property bearing Survey No.150/1D2 admeasuring 10 Ares at Thiruchotrudurai Village, Thiruvaiyaru Taluk, Thanjavur District.

2.The petitioner states that she purchased such property from one M.Ayyappan on 05.01.2015. The sale deed is cited in support of this submission. The petitioner states that a joint patta was issued in the names of the petitioner and one Gnanakrishnan in respect of Survey No.150/1D2.

3.In order to sell the property, the petitioner intends to measure the property. In connection therewith, the petitioner submitted an application on 17.02.2021 and remitted the requisite fee. The present writ petition is filed on account of the alleged



failure of the respondents to undertake such survey.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the three respondents. He submits that the joint pattadar should be put on notice before taking a decision on the petitioner's application for survey.

5.The petitioner has enclosed a copy of the sale deed dated 05.01.2015 by which she purchased the property from one A.Ayyappan. The schedule to such sale deed indicates that the petitioner has purchased 10 Ares out of 10.5 Ares. The petitioner has also enclosed Patta No.1569. The said patta pertains to the property bearing Survey No.150/1D2 of a total extent of 10.50 Ares. The patta has been issued to one Gnanakrishnan and the petitioner. Thus, it appears prima facie that the said Gnanakrishnan may be the owner of the remaining 0.5 Ares. However, this aspect and the requirement if any to sub-divide the property should be examined by the first respondent.

6.Accordingly, the first respondent is directed to consider the petitioner's representation dated 17.02.2021 and initiate action on such basis after providing a reasonable opportunity to the petitioner and the joint pattadar Gnanakrishnan. The entire exercise shall be concluded within a period of three months from the date of receipt of a copy of this order.

7.W.P(MD).No.17638 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

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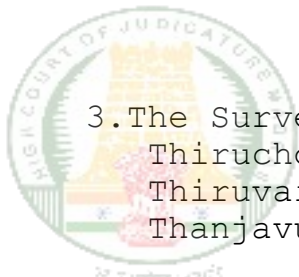
Sub Assistant Registrar(CS)

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To

1.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

2.The Head Surveyor,
Thiruvaiyaru Taluk,
Thanjavur District.



3.The Surveyor,
Thiruchotrudurai Village,
Thiruvaiyaru Taluk,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-30990[F] dated 04/10/2021)

W.P. (MD) No.17638 of 2021

30.09.2021

SE (CO)/RS (11.10.2021) 3P 5C