



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P (MD) No.19230 of 2021

Ramani

... Petitioner

Vs.

1.The District Collector,
Madurai Collectorate Office,
Madurai District.

2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Firka Surveyor,
Cholavanthan,
Vadipatti Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing to respondents 1 to 3 to survey and demarcate the petitioner's property in Survey No.4/5 in Cholavanthan Village, Vadipatti Taluk, Madurai District and Respondent Nos.1 to 3 to consider the petitioner's representation dated 28.09.2021.

For Petitioner : Mr.M.Murugan
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction for the survey and demarcation of the property bearing Survey No.4/5 in Cholavanthan Village, Vadipatti Taluk, Madurai District.

2. The petitioner traces title to the above mentioned property through a registered partition deed dated 19.03.1973 in favour of her father. According to the petitioner, the "C" schedule property under the said partition deed was allotted to the share of the petitioner's father. Subsequently, by a registered gift deed dated 23.12.2010, the said property was settled in favour of the petitioner. In order to undertake a survey and fence the properties, the petitioner remitted the necessary fee on 26.07.2021.



However, it is stated that no action was taken on the petitioner's request for a survey.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice for all the respondents. He submits that the second respondent may be directed to consider the petitioner's application for a survey after putting the other legal heirs on notice.

4. On perusal of the documents filed by the petitioner, it is noticeable that Patta No.9 was issued in respect of the property bearing Survey No.4/5. The said patta has been issued in the name of Pitchaiah Pillai, who is said to be the petitioner's grandfather. The total extent under Survey No.4/5 is 9 ares, which roughly corresponds to 22 cents. The petitioner's request for survey is in respect of a smaller extent of 7 $\frac{1}{4}$ cents which was allotted to her under the settlement deed. As such, it is necessary to put the other legal heirs of Pitchaiah Pillai on notice before the petitioner's request is considered. In addition, the owners of adjoining properties whose boundaries would be impacted by the conduct of a survey should be put on notice.

5. Subject to the above observations, W.P(MD).No.19230 of 2021 is disposed of by directing the second respondent to consider the petitioner's representation dated 28.09.2021 and dispose of the same after providing a reasonable opportunity to the petitioner and to the legal heirs of the pattadhar, Pitchaiah Pillai. Such representation shall be disposed of by a reasoned communication within a period of three (3) months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (AD-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 District Collector,
Madurai Collectorate Office,
Madurai District.



2.The Tahsildar,
Vadipatti Taluk,
Madurai District.

3.The Firka Surveyor,
Cholavanthan,
Vadipatti Taluk,
Madurai District.

+1 CC to M/s.SPL.GP (SR-33523[F] dated 02/11/2021)

W.P (MD) No.19230 of 2021
01.11.2021

SRK(CO)
KB(16.11.2021) 3P 5C