



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.19741 of 2014

M.Vijayalakshmi

.. Petitioner

Vs.

1. The Tahsildar,
Madurai East Taluk Office,
Madurai District.

2. The Taluk Head Surveyor,
Madurai East Taluk Office,
Y.Othakkadai,
Madurai District.

3. Tmt.A.Lakshmi Deepa

(R3 impleaded as per order of this
Court in M.P.(MD)No.1 of 2014,
dated 19.04.2021)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to survey and earmark the lands in Survey No.3/27B1A1, Narasingam Bit II, Madurai District upon the petitioner's last application and payment receipts dated 11.08.2014.

For Petitioner : Mr.R.Venkateshwar

For Respondent : Mr.P.Mahendran,
Addl. Govt. Pleader for R1 & R2
Mr.C.Jawahar Ravindran for R3.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the application submitted by the petitioner on 11.08.2014, wherein the petitioner is seeking for the survey of the subject property.

2. When the matter came up for admission on 05.12.2014, the petitioner was directed to implead the necessary party and



accordingly, an impleading petition was filed and it was allowed by this Court. Accordingly, the rival party has been added as the third respondent in this Writ Petition.

3. The case of the petitioner is that the subject property originally belonged to the father-in-law of the petitioner and he executed a Will in favour of his granddaughters and his daughter. A portion of the property was sold in favour of the impleaded third respondent. According to the petitioner, the rest of the properties were partitioned among the legatees and it was also dealt with. The petitioner made an application before the respondents seeking for sub-division of the property and for earmarking the lands in favour of the purchasers of the property. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. The learned counsel appearing on behalf of the impleaded third respondent submitted that the petitioner has not filed even a single document to establish as to how the petitioner is claiming a right over such large extents of the property. The learned counsel specifically brought to the notice of this Court the sale deed executed in favour of the impleaded third respondent. According to the learned counsel, the entire property has been conveyed and there was no property left for the petitioner to seek for subdivision.

5. In the considered view of this Court, the petitioner has not filed even a single title document to substantiate her claim made in the affidavit. In view of the specific stand taken by the third respondent, unless the petitioner is able to show that any property was retained after selling to the third respondent, no directions can be issued by this Court to the respondents for subdivision of the property. Learned counsel for the third respondent also brought to the notice of this Court two earlier suits filed in the year 2007 and 2015, wherein the rights of the parties was determined.

6. In view of the disputed question of facts involved in this case and the fact that the petitioner has not chosen to file even a single title document before this Court, this Court is not inclined to grant the relief claimed by the petitioner.

7. In the result, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Madurai East Taluk Office,
Madurai District.
2. The Taluk Head Surveyor,
Madurai East Taluk Office,
Y.Othakkadai,
Madurai District.

+1 CC to M/s.SPL GP (SR-16749[F] dated 20/04/2021)

W.P. (MD) No.19741 of 2014
19.04.2021

RS (06.05.2021) 3P 4C