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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13239 of 2016

and

W.M.P.No.11619 of 2016

Markaret Lilly

...Petitioner

Vs.

1. The District Collector,
Thiruvarur District,
Thiruvarur.

2. The Tahsildar
Needamangalam Taluk,
Needamangalam,
Thiruvarur District.

3. C.T.Joseph

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to survey the land bearing Survey No.553/8 to an total extent of 50 cents situated at then Nagapattinam Registration District, Needamangalam Sub-Registration District, Thiruvarur Revenue Division, Needamangalam Taluk, Poovanur Revenue Village, Kothamangalam Village, vide sale deed Document No.396/2001 now Thiruvarur District , Needamangalam Taluk, Kothamangalam Village and lay the boundary stones based on the petitioner's petition dated 18.03.2016 made to the 2nd respondent.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.Yogesh Kannadasan, Spl. GP,
for R1 & R2.

: Mr.V.Kasinatha Bharathi, for R3



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 18.03.2016 and survey the land in Survey No.553/8, measuring an total extent of 50 cents situated at then Nagapattinam Registration District, Needamangalam Sub-Registration District, Thiruvarur Revenue Division, Needamangalam Taluk, Poovanur Revenue Village, Kothamangalam Village, now Thiruvarur District, Needamangalam Taluk, Kothamangalam Village and lay the boundary stones.

2. The case of the petitioner is that, her husband viz, late Vincent purchased the land comprised in Survey No.553/8, measuring an total extent of 50 cents situated at Thiruvarur District, Needamangalam Taluk, Kothamangalam Village, vide sale deed Document No.396/2001 and after his demise, the 3rd respondent/brother of the said Vincent, had illegally encroached the portion of the above said property and trying to put up a construction on the same. Therefore, the petitioner submitted a petition dated 18.03.2016 before the 2nd respondent, requesting to measure the disputed property and lay boundary stones, however, the 2nd respondent has not taken any steps to survey the said property. Aggrieved by the inaction of the 2nd respondent, the petitioner made a representation dated 21.03.2016 before the 1st respondent, seeking for direction to the 2nd respondent to consider the petitioner's petition dated 18.03.2016 and survey the disputed property, however, till date, no orders have been passed on the same. Hence, the present Writ petition is filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the 2nd respondent to consider the petitioner's petition dated 18.03.2016 and survey the above said disputed property and fix the boundaries as early as possible.

4. Learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents has no serious objection for the said order being passed and he fairly conceded that the petitioner's petition dated 18.03.2016 will be considered and appropriate orders will be passed in accordance with law within the time stipulated by this Court.

5. In view of the above, this Court, without going into the merits of the case, issues direction to the 2nd respondent to consider the petitioner's petition dated 18.03.2016 on merits and pass appropriate orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to



the petitioner and the private respondent.

6. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Thiruvarur District,
Thiruvarur.
2. The Tahsildar
Needamangalam Taluk,
Needamangalam,
Thiruvarur District.

+1cc to M/s.Ln.V.Kasinatha Bharathi, Advocate, S.R.No.25560

W.P.No.13239 of 2016
and
W.M.P.No.11619 of 2016

VG-II(CO)
RGA(20/05/2022)