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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.8174 of 2022

Anjalai

...Petitioner

vs.

1.The District Collector,
Kallakurichi, Kallakurichi District.

2.The Tahsildar,
Sankarapuram.

3.The Revenue Inspector,
Vadaponparupi,
Sankarapuram,
Kallakurichi District.

4.The District Surveyor,
Sankarapuram,
Kallakurichi District.

5.The Surveyor,
Sankarapuram,
Kallakurichi District.

6.The Village Administrative Officer,
Kaduvanoor Village,
Sankarapuram,
Kallakurichi District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 5th and 6th respondents to survey the land of the petitioner in the Survey No.36/1 for an extent of 0.37 cents and 1/6 share in well situated in the said survey number and to fix the boundaries on considering petitioner's representation dated 02.02.2022.

For Petitioner : M/s.S.Harshitha

For Respondents : Mr.A.Anandan
Government Advocate



ORDER

This writ petition has been filed seeking for a issuance of a writ of Mandamus to direct the 5th and 6th respondents to survey the land of the petitioner in the Survey No.36/1 of an extent of 0.37 cents and 1/6 share in Well situated in the said survey number and to fix the boundaries on considering petitioner's representation dated 02.02.2022.

2. The case of the petitioner is that property in S.No.36/1 of an extent of 0.39.5 Ares (97 cents) originally belonged to one Muniyan. Thereafter, he executed a sale deed of an extent of 0.37 cents and 1/6 share in Well situated in said survey number, in favour of one Thirumangai, who in turn executed a sale deed in favour of one Selvaraj i.e., petitioner's husband. Thereafter he executed sale deed dated 01.02.2011, in favour of the petitioner on the file of Sub-Registrar Office, Kallakurichi District. Since the patta which was issued is a joint one, the petitioner has made a representation to the respondents dated 02.02.2022 seeking issuance of separate patta in favour of petitioner and to measure, subdivide and fix the boundaries of the above said land. Since the respondents have not evoked any response, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 02.02.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing on behalf of the respondents has no objection for said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the fifth and sixth respondents to survey the petitioner's land in S.No.36/1 of an extent of 0.37 cents and 1/6 share in Well situated in the said survey number and to fix boundaries on considering the petitioner's representation dated 02.02.2022 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner and aggrieved parties if any, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

rap/psa

To

1.The District Collector,
Kallakurichi, Kallakurichi District.

2.The Tahsildar,
Sankarapuram.

3.The Revenue Inspector,
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6.The Village Administrative Officer,
Kaduvanoor Village,
Sankarapuram,
Kallakurichi District.

+1cc to M/s.S.Harshitha, Advocate SR. No. 23921
+1cc to Government Pleader SR. No. 23650

W.P.No.8174 of 2022

GMR (CO)
PR (27/04/2022)