



W.P.No.32613 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32613 of 2022

- 1.P.Selvarani
- 2.V.Jamuna
- 3.S.Ramani
- 4.S.Thaatchayani
- 5.M.Shanthi
- 6.K.Vijayalakshmi

... Petitioners

Vs.

- 1.The Commissioner of Survey and Settlement
Survey and Settlement Department,
Survey House,
Chepauk,
Chennai – 600 005.
- 2.The Assistant Director of Survey,
Collectorate of Chennai,
Rajaji Salai,
Chennai – 600 001.
- 3.The Tahsildar,
Alandur Thaluk Office,
St.Thomas Mount,
Alandur,
Chennai – 600 061.

... Respondents

Prayer:

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Petition filed under Article 226 of the Constitution of India to

issue a Writ of Mandamus directing the second respondent to pass an order on the appeal preferred by the petitioners dated 18.11.2022 against the order passed by the third respondent dated 14.11.2022 for the correction of the FMB as per the original records with respect to Plot Nos.5, 6, 11 and 12 admeasuring total extent of 11007 sq.ft. in Sy.No.72/2A and Sy.No.72/2B1 in Mugalivakkam Village, Alandur Taluk, Chennai District.

For Petitioners : Ms.K.Jayasudha
For Respondents : Mr.T.K.Saravanan
Government Advocate

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the second respondent to pass an order on the appeal preferred by the petitioners dated 18.11.2022 against the order passed by the third respondent dated 14.11.2022 for the correction of the FMB as per the original records with respect to Plot Nos.5, 6, 11 and 12 admeasuring total extent of 11007 sq.ft. in S.No.72/2A and S.No.72/2B1 in Mugalivakkam Village, Alandur Taluk, Chennai District.



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2.The case of the petitioners is that the father of the petitioners owned 1 acre and 29 cents of land in S.No.72/2 in Mugalivakkam Village and after his demise, the petitioners entered into deed of partition and the same was registered as Doc.No.2557 of 2013 dated 22.02.2013 on the file of SRO, Kunrathur. After the expansion of the Chennai City in the year 2018, Mugalivakkam Village was included in Alandur Taluk and the petitioners approached the third respondent and the Head Surveyor for survey of the subject property and aggrieved by the inaction, the petitioners filed W.P.No.22787 of 2022 seeking direction to the third respondent therein to survey the subject property and pursuant to the order of this Court dated 01.09.2022 made in the said writ petition, the third respondent passed an order dated 14.11.2022, wherein, the extent of the subject property was wrongly mentioned.

3.The further case of the petitioners is that aggrieved by the order of the third respondent dated 14.11.2022, the petitioners preferred an appeal under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923, before the second respondent and since the same has not yet been disposed of, has filed this writ petition.



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4.The learned counsel appearing for the petitioners submitted that this Court may issue direction to the second respondent to consider the appeal preferred by the petitioners dated 18.11.2022 and to pass appropriate orders, within a reasonable time frame.

5.Considering the limited request made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioners appeal dated 18.11.2022, on merits and in accordance with law and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is accordingly disposed of. No costs.

02.12.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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To

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M.DHANDAPANI,J.
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