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W.P.No.32354 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.12.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.32354 of 2022

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... Petitioner

Vs.

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Assistant Director,
Survey and Settlement Department,
Kallakurichi District,
Kallakurichi.

3.The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

4.The Taluk Surveyor,
Sankarapuram Taluk,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 herein to survey and fix the boundaries therein in respect of the land comprised in Survey Nos.128/2C3, 128/2C6 and 128/2A12, admeasuring about 61.50 Ares (1.52 acres) in Mangalam Village, Sankarapuram Taluk, Kallakurichi District, within the time to be stipulated by this Court.



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For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 2 to 4 herein to survey and fix the boundaries therein in respect of the land comprised in Survey Nos.128/2C3, 128/2C6 and 128/2A12, admeasuring about 61.50 Ares (1.52 acres) in Mangalam Village, Sankarapuram Taluk, Kallakurichi District, within the time to be stipulated by this Court.

2. The case of the petitioner is that, the petitioner had purchased the aforesaid properties, by virtue of Sale Deed, dated 09.07.2007. Subsequent to the purchase of the aforesaid properties, the petitioner is in absolute possession and enjoyment of the said properties by mutating the Revenue Records in her name vide, Patta No.256. While so, some of the adjacent land owners, namely John Anthony and others tried to encroach upon the aforesaid properties. Therefore, the petitioner was constrained to file a Civil Suit against them in O.S.No.230 of 2013 before the District Munsif Court, Sankarapuram, for permanent injunction as not to interfere with her peaceful



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possession and enjoyment of the aforesaid properties. The Suit was contested and the same was decreed in favour of the petitioner, vide Judgment and Decree dated 27.01.2020. Thereafter, no appeal has been filed as against the said Judgment and Decree. Therefore, the petitioner made several representations before the respondents 2 and 4 to survey and fix the boundaries for the aforesaid properties. However, no response had evoked from the respondents 2 and 4. While so, the petitioner again made another representation dated 09.09.2022 before the third respondent, seeking to survey and fix the boundaries in respect of the aforesaid properties and the petitioner has paid the necessary charges. Since the said representation was not considered by the third respondent, the petitioner had filed the present Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues a direction to the third respondent to consider the petitioner's representation dated 09.09.2022 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Additional Government Pleader appearing for the



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respondents has no objection for said order being passed.

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5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the third respondent to consider the petitioner's representations dated 09.09.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and other aggrieved person, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above observations and direction, this Writ Petition is disposed of. No costs.

01.12.2022

Index : Yes / No
Speaking order : Yes / No
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To

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Assistant Director,
Survey and Settlement Department,
Kallakurichi District,
Kallakurichi.

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M.DHANDAPANI, J.

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3.The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

4.The Taluk Surveyor,
Sankarapuram Taluk,
Kallakurichi District.

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