



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.2990 of 2022

G.Sarojini

... Petitioner

Vs

1.The Tahsildar,
Killiyoor Taluk Office,
Killiyoor Post & Taluk,
Kanniyakumari District.

2.The Taluk Head Surveyor,
Killiyoor Taluk Office,
Killiyoor Post & Taluk,
Kanniyakumari District.

3.The Inspector of Police,
Nithiravilai Police Station,
Nithiravilai,
Kanniyakumari District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent 1 to 2 to consider the petitioner application dated 03.09.2021 and to survey and demarcate the petitioners property situated in S.No.33/22 Aarudesam Village, Killiyoor Taluk, Kanyakumari District and made sub - division and issue separate patta to the petitioner with in a stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

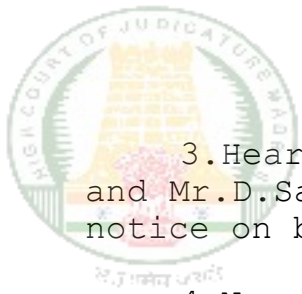
For Respondents : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to consider the application dated 03.09.2021 and to survey and demarcate the petitioner's property situated in S.No.33/22 Aarudesam Village, Killiyoor Taluk, Kanyakumari District and make sub division and issue separate patta in favour of the petitioner, within a time frame to be fixed by this Court.

2.The petitioner claims that she is the absolute owner of the aforementioned property. She has submitted an application to the respondents 1 and 2 requesting them to survey and demarcate the boundaries for her properties. Since the said application has not been considered till date, she has filed this writ petition.



3.Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who takes notice on behalf of the respondents.

4.No prejudice will be caused to the respondents, if the petitioner's application seeking for survey and demarcation of boundaries in respect of the property above mentioned is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as any other rival claimant.

5.Accordingly, this Court directs the second respondent to survey and demarcate the boundaries of the petitioner's property situated in S.No.33/22 Aarudesam Village, Killiyoor Taluk, Kanyakumari District and if found that the petitioner is the absolute owner of the aforementioned property, make sub division and issue separate patta in favour of the petitioner, after affording a fair hearing to the petitioner as well as any other rival claimant, if any. It is made clear that the respondents 1 and 2 shall before commencing the survey and demarcation of boundaries shall issue notice to the petitioner as well as any other rival claimant to enable them to be present while the survey and demarcation is being done by the respondents 1 and 2. The respondents 1 and 2 are directed to pass appropriate orders as directed by this Court, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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,
Killiyoor Taluk Office,
Killiyoor Post & Taluk,
Kanniyakumari District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Taluk Head Surveyor,
Killiyoor Taluk Office,
Killiyoor Post & Taluk,
Kanniyakumari District.

3.The Inspector of Police,
Nithiravilai Police Station,
Nithiravilai,
Kanniyakumari District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-6276[F] dated 15/02/2022)

+1 CC to M/s.SPL GP (SR-6547[F] dated 16/02/2022)

W.P. (MD)No.2990 of 2022
15.02.2022

NSN (CO)

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