



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3354 of 2022

Chellayee @ Chellammal

... Petitioner

/Vs./

1.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

2.The Taluk Surveyor,
Orathanadu Taluk,
Thanjavur District.

3.The Firka Surveyor,
Orathanadu Taluk,
Thanjavur District.

4.The Sub Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Respondents 1 to 3 to survey and demarcate the petitioner's property comprised in Survey No. 95/4B, Patta No.122 situated at Neiveli South, Orathanadu Taluk, Thanjavur District, by considering the petitioner's representation dated 16.02.2022 submitted to the respondents 1 to 3, within the time frame that may be fixed by this Court.

For Petitioner : Mr.K.Malaimaran

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 to survey and demarcate the petitioner's property comprised in Survey No. 95/4B, Patta No.122 situated at Neiveli South, Orathanadu Taluk, Thanjavur District, by considering the petitioner's representation dated 16.02.2022 submitted to the respondents 1 to 3, within a time frame to be fixed by this Court.

2.The petitioner has submitted a representation to the respondents on 16.02.2022 seeking for survey and demarcation of boundaries in respect of the aforementioned property, which she



been considered till date, this writ petition has been filed.

3. Heard Mr.K.Malaimaran, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

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4. The petitioner has produced documents in support of her case that she is the owner of the aforementioned property. She has sought for a survey and fixation of boundaries by the appointment of a Surveyor and the petitioner has given a representation on 16.02.2022 for the said purpose.

5. It is brought to the notice of this Court by the learned Additional Government Pleader appearing for the respondents that the earlier survey requested by the petitioner has been acceded to and survey was done accordingly. The report dated 07.10.2021 submitted by the Surveyor has also been produced before this Court today.

6. However, learned counsel appearing for the petitioner submits that subsequent to the said survey report, the neighbours have encroached upon the petitioner's property and a fresh survey has been sought for by the petitioner, which has not been considered till date and only under these circumstances, the petitioner has filed this writ petition.

7. No prejudice would be caused to the respondents, if the representation of the petitioner dated 16.02.2022 is considered on merits and in accordance with law, after hearing the petitioner as well as the rival claimants, if any.

8. Accordingly, this Court directs the officials respondents to survey and fix the boundaries in the petitioner's property comprised in Survey No.95/4B, Patta No.122 situated at Neiveli South, Orathanadu Taluk, Thanjavur District, after giving notice to the petitioner and rival claimants, if any, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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,
Orathanadu Taluk,
Thanjavur District.

2.The Taluk Surveyor,
Orathanadu Taluk,
Thanjavur District.

3.The Firka Surveyor,
Orathanadu Taluk,
Thanjavur District.

4.The Sub Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-8100[F] dated 23/02/2022)

+1 CC to M/s.K.MALAIMARAN, Advocate (SR-7892[F] dated 22/02/2022)

ORDER MADE IN
W.P. [MD]No.3354 of 2022
22.02.2022

PKP/08.03.2022/3P/7C