



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3591 of 2022

Mukkamal

.. Petitioner

Vs

1.The District Adi Dravidar Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Madurai District, Madurai.

2.The Special Tahsildar,
Adi-Dravidar Welfare Office,
Unit - II, Madurai District.

3.The Head Surveyor,
Madurai North,
Madurai District.

4.The Land Surveyor,
O/o The Land Surveyor,
Sakkimangalam Taluk,
Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to survey and demarcate the petitioner's house site plot comprised in Plot No.3 in Survey Nos.66/1B, admeasuring to an extent of 3 cents, situated at Sakkimangalam Bit-II Village, Madurai North Taluk, Madurai District, by considering the petitioner's representation dated 12.02.2022 to the respondents, in accordance with law, within the time stipulated by this Court.

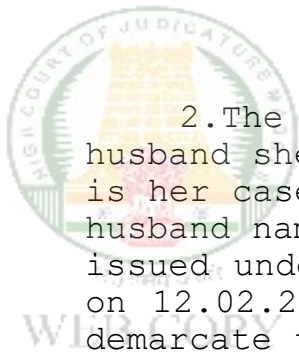
For Petitioner : Mr.D.Balamurugapandi

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 house site plot comprised in Plot No.3 in Survey Nos.66/1B, admeasuring to an extent of 3 cents, situated at Sakkimangalam Bit-II Village, Madurai North Taluk, Madurai District based on the petitioner's application dated 12.02.2022, within a time frame to be fixed by this Court.



2.The petitioner claims that subsequent to the death of her husband she is the absolute owner of the aforementioned property. It is her case that earlier the above said property was allotted to her husband namely Vadamul by the second respondent and a free patta was issued under a Government Scheme. She has submitted an application on 12.02.2022, to the respondents, calling upon them to survey and demarcate the boundaries for the aforementioned property. Since the said application has not been considered till date, she has filed this writ petition.

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

4.The learned Government Advocate on instructions would submit that under the Scheme meant for Landless Poor, only one person in a family alone is entitled for free patta. But, in this case, five persons belonging to the very same family have been issued separate pattas. Hence, there is a proposal by the second respondent to cancel four pattas and retain only one. The said statement is recorded.

5.No prejudice will be caused to the respondents, if the survey and demarcation of boundaries for the aforementioned property is done in the presence of the petitioner as well as any other rival claimant.

6.Accordingly, this Court directs the second respondent to survey and demarcate the boundaries pertaining to the house site plot comprised in Plot No.3 in Survey Nos.66/1B, admeasuring to an extent of 3 cents, situated at Sakkimangalam Bit-II Village, Madurai North Taluk, Madurai District and fix the boundaries in the said survey number, after affording a fair hearing to the petitioner and any other rival claimant, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

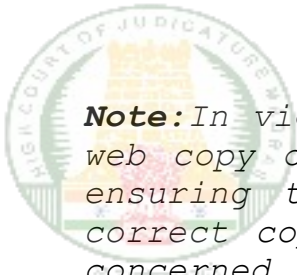
Deputy Registrar (LA&MC)

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/ /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.

WEB COPY

To

1.The District Adi Dravidar Welfare Officer,
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Madurai District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-8862[F] dated 25/02/2022)

+1 CC to M/s.SPL GP (SR-8973[F] dated 28/02/2022)

W.P. (MD)No.3591 of 2022

25.02.2022

_RD(11.03.2022) 3P 7C