



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.(MD).No.4756 of 2022

Papathi

... Petitioner

Vs.

1.The District Collector,
Madurai,
Madurai District.

2.The Tahsildar,
Madurai North,
Madurai.

3.The Town Surveyor,
Land Survey Department,
Madurai North,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to give appropriate directions to the second and third respondents to consider the petitioner's representation dated 08.03.2022 and consequently survey the petitioner's land to measure and demarcate and fixing the boundary and subdivision of the property as per the sale deed vide Document No.65/2022 on 08.01.2022 and Document No.2186/2021 on 10.07.2021, situated at Madurai District within time frame fixed by this Court.

For Petitioner	:	M/s.K.M.Priscilla Jancy
For Respondents	:	Mr.D.Sasikumar, Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second and third respondents to consider the petitioner's representation dated 08.03.2022 seeking to survey the petitioner's land and to demarcate and fix the boundary and subdivision of the property as per the sale deed vide Document No.65/2022 dated 08.01.2022 and Document No.2186/2021 dated 10.07.2021, situated at Madurai District within a time frame to be fixed by this Court.



2. It is the case of the petitioner that she is the owner of the property situated at Madurai North Taluk, Vilangudi 1st Village Aiyar Punja Old Survey No.239, UDR Survey No.144/2 cent 37 in divided plots, extent plot No.7 North side 868-3/4 square feet house as well as a constructed cement sheet house and on the same extent one half constructed shops at Door No.28, Singampidari Kovil Street-1, including a house. The petitioner has submitted a representation to the respondents on 08.03.2022 seeking for survey and demarcation of boundaries in respect of the aforementioned property which she claims that it belongs to her absolutely. Since the said representation has not been considered till date, this Writ Petition has been filed.

3. Heard Ms.K.M.Priscilla Jancy, learned counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

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 08.03.2022 for the said purpose.

5. No prejudice would be caused to the respondents if the representation of the petitioner dated 08.03.2022 is considered on merits and in accordance with law after hearing the petitioner as well as the rival claimants if any.

6. Accordingly, this Court directs the third respondent to survey and fix the boundaries in the petitioner's property situated at Madurai North Taluk, Vilangudi 1st Village Aiyar Punja Old Survey No.239, UDR Survey No.144/2 cent 37 in divided plots, extent plot No.7 North side 868-3/4 square feet house as well as a constructed cement sheet house and on the same extent one half constructed shops at Door No.28, Singampidari Kovil Street-1, including a house, 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.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Lm

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 District Collector,
Madurai,
Madurai District.
- 2.The Tahsildar,
Madurai North,
Madurai.
- 3.The Town Surveyor,
Land Survey Department,
Madurai North,
Madurai.

+1 CC to M/s.SPL GP (SR-12992[F] dated 18/03/2022)

ORDER MADE IN
W.P. (MD) .No.4756 of 2022
17.03.2022

PKP/28.03.2022/3P/5C