



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5133 of 2022

Sarojini

... Petitioner

/Vs./

- 1.The District Collector,
Nagercoil, Kanyakumari District.
- 2.The Sub Collector,
Kalkulam Taluk,
Padhmanathapuram, Kanyakumari District.
- 3.The Tahsildar,
Kalkulam Taluk,
Padhmanathapuram, Kanyakumari District.
- 4.Assistant Director,
District Land Survey Office,
Nagercoil, Kanyakumari District.
- 5.Taluk Surveyor,
Kalkulam Taluk,
Padhmanathapuram,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to rectify the error in Field Measurement Book of Survey No.637/6 situated in Vellichanthai A Village, Kalkulam Taluk, Kanyakumari District as per partition deed vide document No.4048.

For Petitioner : Mr.B.Micheal Sebastin

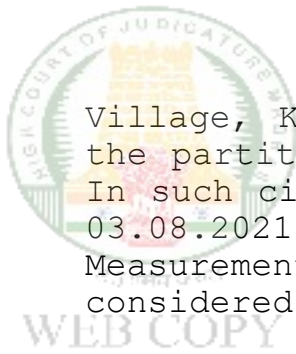
For Respondents : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to rectify the error in the Field Measurement Book of Survey No.637/6 situated in Vellichanthai A Village, Kalkulam Taluk, Kanyakumari District, as per partition deed registered as Document No.4048, based on the petitioner's representation dated 03.08.2021, within a time frame to be fixed by this Court.

2.According to the petitioner, there is an error in the Field Measurement Book of Survey No.637/6 situated in Vellichanthai A



Village, Kalkulam Taluk, Kanyakumari District. It is not as per the partition deed dated 10.01.2002 registered as Document No.4048. In such circumstances, the petitioner has given a representation on 03.08.2021 seeking for rectification of the error in the Field Measurement Book. Since the said representation has not been considered till date, she has filed this writ petition.

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

4.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the respondents deem fit to enquire.

5.The petitioner seeks for rectification of the Field Measurement Book of her property. The petitioner has filed the copy of the partition deed dated 10.01.2002 registered as Document No.4048. According to her, the Field Measurement Book is not in accordance with the said partition deed. The petitioner has filed copy of the partition deed, Field Measurement Book sketch and patta along with this writ petition. It is for the fourth respondent to consider the same on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 03.08.2021 requesting the fourth respondent to rectify the error in the Field Measurement Book of Survey No.637/6 situated in Vellichanthai A Village, Kalkulam Taluk, Kanyakumari District based on the partition deed dated 10.01.2002 registered as Document No.4048 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary party, whom the fourth respondent deems fit to enquire, 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 stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Nagercoil, Kanyakumari District.

2.The Sub Collector,
Kalkulam Taluk,
Padhmanathapuram, Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Padhmanathapuram, Kanyakumari District.

4.Assistant Director,
District Land Survey Office,
Nagercoil, Kanyakumari District.

5.Taluk Surveyor,
Kalkulam Taluk,
Padhmanathapuram,
Kanyakumari District.

+1 CC to M/s.B.MICEAL SEBASTIN, Advocate (SR-14008[F] dated
24/03/2022)

+1 CC to M/s.SPL GP (SR-14288[F] dated 24/03/2022)

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23.03.2022

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