



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6479 of 2022

S.kamatchi

... Petitioner

Vs

1.The Tahsildar,
Madurai South Taluk,
Madurai.

2.The Head Surveyor,
Taluk Office,
Madurai South Taluk,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to survey the petitioner's lands and fix boundary stones in respect of Survey No.232 to an extent of 6 cents situated at Ayan Pappukudi Village, Madurai South Taluk, Madurai District, based on the Petitioner's representation, dated 08.03.2022, within a time framed to be stipulated by this Court.

For Petitioner : Mr.S.Muthukumar

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 the petitioner's land and fix boundary stones in respect of Survey No.232 to an extent of 6 cents situated at Ayan Papaukudi Village, Madurai South Taluk, Madurai District, based on the Petitioner's representation, dated 08.03.2022, within a time frame to be stipulated by this Court.

2.The petitioner claims that she is a power agent of the owner of the aforementioned land. She claims that she has got a power of attorney dated 27.01.2003, from the owner. She has given a representation on 29.12.2021 to the second respondent, seeking for survey and demarcation of boundaries of the land belonging to the owner. She has also paid necessary charges for the same. Once again she has sent another representation, on 08.03.2022, for the very same property. Since the representation has not been considered till date, she has filed this writ petition.



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

4.Admittedly, only as a power agent, the petitioner has submitted an application seeking for survey and demarcation of boundaries for the owner's property. The petitioner claims that she is a power agent based on a power of attorney executed way back in the year 2003. This Court is unable to know as to whether the principal is alive or not or whether the principal has cancelled the said power of attorney or not. Hence, this Court is of the considered view that a fresh application has to be submitted by the owner of the land namely Mrs.Shajath Begam for survey and demarcation of the boundaries. The learned counsel for the petitioner is agreeable for the said suggestion made by this Court.

5.After recording the submissions made by the respective counsels, this Court directs the Shajath Begum, who is the principal for the petitioner to submit a fresh application to the first respondent, seeking for survey and demarcation of the boundaries in respect of the Survey No.232, measuring an extent of 6 cents situated at Ayan Papaukudi Village, Madurai South Taluk, Madurai District, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent with the assistance of the second respondent shall survey and demarcate the boundaries in the presence of Mrs.Shajath Begam and other necessary parties, whom the first respondent deems fit to enquire, after giving notice to them, within a period of twelve weeks, thereafter. Mrs.Shajath Begam shall produce all the necessary relevant documents / records to substantiate her case that she is the absolute owner of the property.

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

Sd/-

Assistant Registrar (AD-I)

// 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,
Madurai South Taluk,
Madurai.

2.The Head Surveyor,
Taluk Office,
Madurai South Taluk,
Madurai.

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-17597[F] dated 08/04/2022)

+1 CC to M/s.SPL.GP (SR-17511[F] dated 08/04/2022)

W.P. (MD)No.6479 of 2022
07.04.2022

RS (21.04.2022) 3P-5C