



W.P.(MD)No.23696 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.23696 of 2022

F.A.Mohamed Niyamathulla,
S/o.N.F.Mohamed Ammanulla,
Rep. by its Power Agent and Mother,
N.Sahakirunnaisha

.. Petitioner

Versus

1.The District Collector,
Madurai District.

2.The Tahsildar,
Madurai West Taluk,
Achambathu,
Madurai District – 625 016.

3.The Taluk Surveyor,
Madurai West Taluk,
Madurai District – 625 016.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to measure the Nanja land and demarcate the property of Iyan Nanja vacant land in Re-Survey No.64/2, now Madurai Town Survey No.23, Block 31, T.S.No. 73/1, measuring a total extent of 2685.385 square feet, which comes under cent 6, 69.385 square feet, within a time frame as fixed by this Court.

For Petitioner : Mr.I.Saliyakhan

For Respondents : Mr.C.Satheesh
Government Advocate



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ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to measure the Nanja land and demarcate the property of Iyan Nanja vacant land in Re-Survey No.64/2, now Madurai Town Survey No.23, Block 31, T.S.No.73/1, measuring a total extent of 2685.385 square feet, [6 Cents and 69.385 Square Feet], within a time frame to be fixed by this Court.

2.Heard Mr.I.Saliyakhan, learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, her son purchased the aforesaid property from one B.Pandithurai through a registered sale deed, dated 13.01.2020. From the date of purchase, he was in peaceful possession and enjoyment of the same. The second respondent issued Patta in favour of her son. Her son went to abroad for his job and he executed a registered power deed in favour of the petitioner. In order to survey the above said property and demarcate the boundaries, the petitioner made an application before the second respondent herein on 26.05.2022 and she has also paid a sum of Rs.800/- for measuring the above said property on 19.07.2022. However, no steps have been taken so



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far to measure the property and to fix the boundaries. Having left with no other effective and efficacious alternative remedy, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Government Advocate appearing for the respondents, on instructions, submitted that the petitioner's property would be measured and demarcated, based on her application, dated 26.05.2022, within a period of four weeks.

5.Considering the aforesaid submission made by the learned Government Advocate, this Court, without going into the merits of the case, directs the respondents 2 and 3 to survey the property in question and demarcate the boundaries, based on the application of the petitioner, dated 26.05.2022, after affording an opportunity to all the necessary parties concerned, within a period of six weeks from the date of receipt of a copy of this order.

6.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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To

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Madurai District.
- 2.The Tahsildar,
Madurai West Taluk,
Achambathu,
Madurai District – 625 016.
- 3.The Taluk Surveyor,
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Order made in
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