



W.P.(MD)No.24446 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.24446 of 2022

P.Anguthai

... Petitioner

Vs.

1.The Tahsildar,
Theni Taluk,
Theni District.

2.The Taluk Surveyor,
Theni Taluk,
Theni District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey the petitioner's land in Survey Nos.353/2A3 and 353/2A5 at Unjanpatty Village, Theni Taluk, Theni District on the basis of the petitioner's application dated 07.09.2022.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey the petitioner's land in Survey Nos.353/2A3 and 353/2A5 at Unjanpatty Village, Theni Taluk, Theni District on the basis of the petitioner's application dated 07.09.2022.

2.The grievance of the petitioner is that the property in Survey No.353/1 to an extent of 1.38 acre and 353/2 to an extent of 1.38 acre situated at Sukkuvadanpatty, Unjanpatty Village, Theni Taluk, Theni District are belonged to the husband of the petitioner and the petitioner. They have purchased the said properties on 19.11.1997 and 21.05.2004. Since the date of purchase, the petitioner and her husband are in peaceful possession and enjoyment of the same. The petitioner made an application through online as there was some interference from third parties. But, the respondents did not take any action on the application filed by the petitioner. Hence, the petitioner has filed the present petition before this Court.

3.The learned counsel for the petitioner submitted that the respondents did not take any action to prevent the unlawful activities of the third parties by interfering the peaceful possession and enjoyment of the properties of the



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petitioner. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

4.The learned Additional Government Pleader appearing for the respondents submitted that the application of the petitioner has been considered by the respondents. The property, for which the petitioner made an application to survey, is sub divided into 353/2A1A1C, 19B and 22. The patta for survey No.353/2A1A1C and 353/19B stands in the name of one Jeylakshmi W/o Baskaran and the patta for Survey No.353/22 stands in the name of one Kamlam W/o Muthu. Further, the petitioner is also having patta for Survey Nos.353/2A3 and 353/2A5. Hence, the survey will be undertaken only after the verification of documents of the petitioner and the persons, who are also having patta for this property. He also submitted the proceedings of the Tahsildar, Theni dated 02.11.2022, to that effect.

5.Considering the submission made by the learned Additional Government Pleader appearing for the respondents, this Court directs the respondents to measure the properties of the petitioner, within a period of **sixteen (16)** weeks from the date of receipt of a copy of this order, after issuing notice to the rival claimants, if any, and also after verifying the fact that on what basis patta was granted by the authorities concerned in respect of



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the same property to two different persons. It is open to the petitioner to approach the competent civil Court, if he is so advised.

6. Accordingly, this Writ Petition is disposed of. No costs.

03.11.2022

Index : Yes/No
Internet : Yes/No
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To

1.The Tahsildar,
Theni Taluk,
Theni District.

2.The Taluk Surveyor,
Theni Taluk,
Theni District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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