



W.P.No.34598 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34598 of 2022

B.Vasanthi

.... Petitioner

-Vs-

1.The District Collector
Salem, Salem District.

2.The Assistant Director
Land and Survey Department
Salem.

3.The Revenue Division Office
Salem, Salem District.

4.The Head Surveyor
Maaramangalathu Patti
Salem.

5.The Inspector of Police
Irumpalai Police Station
Irumpalai, Salem.

.... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th respondent to consider petitioners representation dated 17.08.2022 and to survey my land from south side D Plot boundary stones as per partition deed bearing registered Document No. 1841 of 2005 on 28.06.2005 in Sub registration office at Tharmangalam Salem District accordance with law within the time prescribed by this Court.



WEB COPY



W.P.No.34598 of 2022

For Petitioner : Mr.K.Karthik
For Respondent : Mrs.Akila Rajendran
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 4th respondent to consider petitioners representation dated 17.08.2022 and to survey his land from south side D Plot boundary stones as per partition deed bearing registered Document No. 1841 of 2005 on 28.06.2005 in Sub registration office at Tharmangalam Salem District in accordance with law within the time prescribed by this Court.

2. Insofar as the property situated at S.No.77/2A measuring 1443 Sq.ft, Maaramangalathupatti, Salem District, it is the case of the petitioner that it has been allotted after a partition to the petitioner's husband, who in turn settled the property in favour of the petitioner and the petitioner, since wanted to sell the property, before which she wants to survey the property to identify the four boundaries. The petitioner had already paid the necessary fee and made an application. She had also given a representation dated 29.07.2022 to the respondents especially the Tahsildar as well as the Surveyor. However, the said representation since has not been considered and the land in question has not



W.P.No.34598 of 2022

been surveyed, the petitioner has moved the present writ petition with the aforesaid prayer.

3. Heard Mr.K.Karthik, learned counsel for the petitioner and Mrs.Akila Rajendran, learned Government Advocate for the respondents.

4. Learned Government Advocate would submit that, the survey of the land has to be undertaken only by the revenue Tahsildar. Therefore, the representation given by the petitioner dated 29.07.2022 to the 4th respondent will be forwarded to the concerned Tahsildar, who would take necessary action to survey the land within a time frame that may be stipulated by this Court.

5. Having regard to the said submission made by the learned Government Advocate and taking into account the factual matrix projected by the petitioner, this Court is inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the Revenue Tahsildar concerned, though he is not a party to this writ petition, to whom the 4th respondent shall forward the representation of the petitioner dated 29.07.2022 along with a copy of the application with the fee paid in this regard by the petitioner to survey the land



W.P.No.34598 of 2022

WEB COPY

in question, which belongs to the petitioner, to act upon on those applications after giving notice to the petitioner as well as the other neighbours of the land in question and the said Revenue Tahsildar, on receipt of the application, shall do the needful as indicated above within a period of six weeks from the date of receipt of a copy of this order.”

6. With the above direction, this writ petition is disposed of. No costs.

02.01.2023

Index : Yes/No
Internet : Yes/No
KST
To

- 1.The District Collector
Salem, Salem District.
- 2.The Assistant Director
Land and Survey Department
Salem.
- 3.The Revenue Division Office
Salem, Salem District.
- 4.The Head Surveyor
Maaramangalathu Patti
Salem.
- 5.The Inspector of Police
Irumpalai Police Station
Irumpalai, Salem.



WEB COPY



W.P.No.34598 of 2022

R. SURESH KUMAR, J.

KST

W.P.No. 34598 of 2022

02.01.2023