



W.P(MD)No.9122 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9122 of 2023

S.Periyakkal

... Petitioner

Vs.

1.The Tahsildar

Taluk Office,

Thottiyam,

Trichy District.

2.The Head Surveyor

Taluk Office,

Thottiyam,

Trichy District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1



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and 2 to survey the petitioner's land in Natham survey No.433/51 situated at Bagawathi Amman Kovil Street, Kottaimedu, Thottiyam Village and Taluk, Trichy District, and fix the four boundaries by considering the petitioner's representation, dated 15.03.2023.

For Petitioner : Mr.K.Arunraj
For Respondents : Mr.D.S.Nedunchezhan,
Government Advocate

ORDER

The writ petition is superficial in nature. The writ petitioner, is a beneficiary of a settlement deed executed by her husband on 08.04.2022 which had been registered as document No.1605 of 2022. Patta has also been subsequently transferred in the name of the petitioner herein. Even before executing the settlement deed, an application was made by the husband of the petitioner, and the property in Natham Survey No.433/51, Bagawathi Amman Kovil Street, Kottaimedu, Thottiyam Village, Trichy, had been surveyed by the respondents herein. That was done on 13.02.2023. The survey was conducted in the presence of husband of the petitioner herein.



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2. After becoming the beneficiary under the settlement deed the petitioner had again applied for conducting survey. The respondents cannot be expected to do the same work over and over again. The petitioner has also a duty to discharge before claiming a right to call upon the respondents to conduct survey. The survey has already been done. The property remains the same. Further survey cannot be done. The petitioner had given an application. I will leave it to entirely to the discretion of the respondents to do or not to do the survey. But the fact is that the survey has already been done. A Mandamus cannot be issued again and again to the respondents.

3. With the above observation, the Writ Petition stands dismissed. No costs.

20.04.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

RM

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