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W.P.(MD)No.18477 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18477 of 2023

Gayathri Devi

... Petitioner

versus

1. The Thasildhar,
Taluk Office, Andipatti,
Theni District.

2. R.Nallammal

3. AR.Krishnasamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 1st respondent to survey and fix the boundary of the petitioner's lands situated at Mailadumparai, Kadamalaikundu Village, Andipatti Taluk, Theni District, in Survey Nos.199/2A, 200/1, 201/2, 201/4, 201/7, 202/2 and 203/2B in the light of the petitioner's representation dated 12.04.2023 within a stipulated time fixed by this Court.

For Petitioner : Mr.M.A.M.Raja

For Respondents : Mr.M.Sarangan,
Additional Government Pleader



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ORDER

The petitioner has submitted an application dated 24.03.2023 to the first respondent requesting him to survey his land, based on the documents in her favour and has now filed this writ petition that her application has not been considered by the first respondent.

2. Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the first respondent, on instructions, submits that the second respondent, the mother-in-law of the petitioner, has executed a gift deed in favour of the petitioner and her husband, the 3rd respondent herein. Based on the application of the petitioner, a notice was issued to the 2nd and 3rd respondents to find out as to whether there is any objection from them. Therefore, the process of survey has not been proceeded further.

3. The learned counsel for the petitioner submits that the said contention is not correct and the land has been given to the petitioner at



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the time of divorce for maintenance of her child. Therefore, the 2nd and 3rd respondent may not have any objection to survey the land.

4. Considering the rival submissions made, notice to the private respondents are dispensed with.

5. The respondents shall conduct an enquiry on 24.08.2023, by issuing notice to the private respondents as per Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and complete the process of survey, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order.

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

31.07.2023

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



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B.PUGALENDHI, J.

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To

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