



W.P.(MD)No.21701 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21701 of 2023

and

W.M.P.(MD)No.18105 of 2023

Infanta Mary

... Petitioner

versus

1. The District Collector,
Pudukottai District,
Pudukottai.
2. The District Revenue Officer,
Pudukottai District,
Pudukottai.
3. The Revenue Divisional Officer,
Pudukottai District,
Pudukottai.
4. The Assistant Director,
Survey and Settlement,
Pudukottai.
5. The Tahsildar,
Tirumayam Taluk,
Pudukottai District.



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6. The Taluk Head Surveyor,
Tirumayam Taluk,
Pudukottai District.

7. Muthu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the 5th and 6th respondents not to survey the land bearing Survey No.2/IB2 for an extent of 0.15.0 ares situated at Meiyapuram Village, Thirumayam Taluk, Pudukottai District and consequently, direct the respondents 1 to 5 to consider the representation dated 06.06.2023 made by the petitioner.

For Petitioner : M/s.P.Arun Jayatram

For R1 to R6 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner has approached this Court for a Mandamus forbearing the official respondents not to conduct survey the land situated in Survey No.2/1B2 of Meiyapuram Village, Thirumayam Taluk, Pudukottai District.



2. The learned counsel appearing for the petitioner submits that the petitioner's husband has sold 3 cents of land in Survey No.2/1B2 to the 7th respondent vide a registered sale deed dated 01.11.2018. In the sale deed, the extent of land has been wrongly mentioned as 3 ares instead of 3 cents. Therefore, the petitioner's sons has filed a suit in O.S.No.71 of 2019 before the District Munsif cum Judicial Magistrate, Thirumayam, to declare the document dated 01.11.2018 which has been executed by his father in favour of the 7th respondent as null and void and the same is still pending. Pending the suit, the official respondents are not supposed to conduct survey with regard to the disputed property. Hence, the petitioner is before this Court.

3. The learned Special Government Pleader appearing for the respondents 1 to 6, on instructions, submits that the 7th respondent has applied for surveying the land, based on the registered sale deed and he has also paid necessary fee. However, the petitioner, by referring to the pendency of the suit in O.S.No.71 of 2019, has prevented the Survey Officers from conducting survey.



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4. Admittedly, the 7th respondent, based on the sale deed dated 01.11.2018, has approached the Revenue authorities for surveying the land and he also paid necessary fee.

5. Once an application for surveying the land is received, then, it is the duty of the Survey Officer to conduct survey, after issuing notice to the objectors, if any, as per Section 10 of the Tamil Nadu Survey and Boundaries Act.

6. If the petitioner is having any grievance with regard to the document executed in favour of the 7th respondent by her husband, she has to work out her remedy only in the suit in O.S.No.71 of 2019 pending before the District Munsif cum Judicial Magistrate, Thirumayam.

7. Therefore, this writ petition is dismissed. The Survey Officer shall conduct survey in the 7th respondent's land, after issuing notice to



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the petitioner as per Section 10 of Tamil Nadu Survey and Boundaries Act, 1923 and take a decision in accordance with law. If the petitioner is having any grievance over the decision taken by the Survey Officer, he is also having an appeal remedy under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923. No costs. Consequently, connected miscellaneous petition is closed.

07.09.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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4. The Assistant Director,
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5. The Tahsildar,
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