

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16558 of 2016

Mariammal

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Andipatti,
Theni District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to survey the petitioner's land and place the survey stones comprised in S.No.477/1C to an extent of 2200 sq.ft situated at Andipatti Village and Taluk, Theni District based on the petitioner's representation dated 09.08.2016 within a time frame.

For Petitioner :Mr.S.Alagusundar

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner seeks a survey of the land bearing Survey No. 477/1A of an extent of 2200 sq.ft at Andipatti Village and Taluk, Theni District.

2. The petitioner asserts that he purchased the property from one Sakthivel under registered sale deeds dated 01.06.1998. In spite of submitting a representation on 09.08.2016, it is stated that no action was taken. Hence, this writ petition.

3. Learned Special Government Pleader submits, on written instructions, that a suit was filed against the petitioner's vendor, Sakthivel, by his brother, Periyakaruppan, in O.S.No.141 of 2021. It is further submitted that Survey No.477/1C was sub divided into twelve sub divisions. The order by which the said survey was sub divided is under challenge before the Revenue Divisional Officer. By citing both these reasons, it is stated that the survey cannot be carried out until the above mentioned proceedings are decided.

4. From the submissions of learned Special Government Pleader, it is evident that there is a title dispute in relation to the land in respect of which the petitioner seeks a survey. In these circumstances, the respondents are justified in refusing to carry out such survey.

5. Consequently, W.P.(MD).No.16558 of 2016 is disposed of by granting leave to the petitioner to seek such survey upon conclusion of the pending civil suit and the pending proceedings before the Revenue Divisional Officer. There shall be no order as to costs.

30.03.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

sbm

To

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Andipatti,
Theni District.

W.P.(MD)No.16558 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

sbn

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