



W.P(MD)No.26821 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26821 of 2023

K.Udaiyammal

... Petitioner

Vs.

1.The Tahsildar,
Thenkasi Tahsildar Office,
Thenkasi District.

2.The Taluk Head Surveyor,
Land Record Office,
Thenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to conduct survey respect of petitioner property comprised in SF No.177/1B, of an totally 1740 Square feet situated at Iyyanarkulam Village, Alangulam Taluk, Thenkasi District by considering the petitioner's representation dated 18.10.2023.



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For Petitioner : Mr.C.R.Ponnuthai

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard both sides.

2. The prayer in the writ petition is for conducting survey. When the matter was taken up for hearing, the learned Additional Government Pleader brought to the Court's notice that the petitioner is not having patta. When the applicant is not having patta, the survey authority cannot conduct any survey.

3. The petitioner claims title over the petition mentioned land on the strength of sale deed dated 02.02.1999 standing in the name of her husband. Therefore, the petitioner has to first obtain patta in her name.

4. I therefore permit the petitioner to move the first respondent by submitting a formal application. I am conscious that the vendors are from Medaithalavai family. There are many transactions leading to lot of



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complications. But at some point of time, the issues will have to be resolved. The petitioner gives an undertaking that she will submit an application within two weeks from the date of receipt of a copy of this order. The first respondent shall receive the same and hold enquiry after issuing notices to all the interested parties. Final order shall be passed on the petitioner's patta application within a period of five months after the receipt of application from the petitioner. After the petitioner succeeds in obtaining patta in her favour, she can approach the respondents again for conducting survey. Thereafter, survey shall be conducted.

5. This writ petition is disposed of accordingly. There shall be no order as to costs.

08.11.2023

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

To

1.The Tahsildar,
Thenkasi Tahsildar Office,
Thenkasi District.

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G.R.SWAMINATHAN, J.

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2.The Taluk Head Surveyor,
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