



W.P(MD)No.30714 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30714 of 2023

Sanjeevi Ammal

... Petitioner

Vs.

**1.The District Collector
Office of Collectorate Buildings,
Sattur Road,
Virudhunagar District,
Virudhunagar - 626 002.**

**2.The Tahsildar
Vembakottai Taluk,
Virudhunagar District,
Virudhunagar.**



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3.The Head Surveyor

Vembakottai Taluk,

Virudhunagar District,

Virudhunagar.

... 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 to conducting the survey and earmarking the four boundaries of petitioner's Natham Patta land in Survey No.1031/1 of Lay Out No.11 (0.01) and the lay out No.12 (0.01) in R.Reddiapatti Village, Vembakottai Taluk, Virudhunagar District and also to lay down boundary stones based on petitioner's representation dated 13.09.2023.

For Petitioner : Mr.K.Karansingh

For Respondents: Mr.M.Prakash

Additional Government Pleader.



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ORDER

Heard the learned counsel appearing on either side.

2. The petitioner wants survey to be conducted in respect of the petition mentioned lands. It is opposed by the learned Additional Government Pleader primarily on the ground that the petitioner is not having patta.

3. The learned counsel for the petitioner points out assignment pattas were issued in favour of her father-in-law Sanjeevi and her husband Irulappan. Both are no more. The petitioner is the sole surviving legal heir. A suggestion was further made by the respondents that this assignment patta was cancelled. But no cancellation order was produced before me. Even if I assume that the assignment patta has been cancelled, unless it is preceded by proper notice, cancellation will have to be ignored as nullity. I, therefore, direct the second respondent to hold an enquiry on the



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petitioner's request. It is the duty of the second respondent to identify the assigned land and hand over the same to the petitioner herein. This shall be done by the second respondent within a period of 12 weeks from the date of receipt of a copy of this order. Of-course, if there is any other legal impediment, the petitioner will be duly informed of the same and it will be open to the petitioner to challenge the same in the manner known to law.

4. The writ petition is disposed of, accordingly. No costs.

21.12.2023

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

RM



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G.R.SWAMINATHAN, J.

RM

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