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WP.No.35871 of 2024

In the High Court of Judicature at Madras

Dated : 05.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35871 of 2024

Saral

...Petitioner

Vs

1.The District Collector,
Collectorate of Mayiladuthurai,
Mayiladuthurai,
Mayiladuthurai District.

2.The Tahsildar, Mayiladuthurai,
Mayiladuthurai District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to to dispose the petitioner's representation dated 31.7.2024 and subsequently to survey the metes and bounds of the petitioner's property for an extent of acre 1.32 cents wet land comprised in survey Nos.139/1, 139/2 and 139/3 in Ulhuthukuppai Village, Mayiladuthurai, Mayiladuthurai District and to grant patta in favour of the petitioner.

For Petitioner : Mr.G.Ranganathan
For Respondents : Mr.A.Selvendran, SGP



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ORDER

Seeking a Mandamus to the second respondent to dispose of the petitioner's representation dated 31.7.2024 to conduct a survey and to issue a patta, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The petitioner would contend that the said properties original belonged to one Grama Samudhayam, Mozhaiyur Mahadeva Iyer and was cultivated by one Ms.Muthammal as a cultivating tenant. Later, the said lands were transferred to the name of one Mr.Ayyapillai. After his demise on 10.9.1988, the said properties were acquired by his son, who is none other than the husband of the petitioner. However, her husband died on 23.12.1994 and that is how, the petitioner acquired the said properties.

4. When some third parties attempted to trespass into the said lands, the petitioner filed O.S.No.242 of 2013 before the Additional Munsif Court, Mayiladuthurai and got a decree for permanent injunction dated 27.11.2014. Thereafter, the petitioner approached the



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respondents by making oral representations several times seeking to survey the said lands and to issue a patta. Ultimately, the petitioner sent the representation dated 31.7.2024 to the respondents seeking to conduct a survey in respect of the said properties and to issue a patta. As it did not evoke any response, the petitioner is before this Court.

5. Considering the limited nature of the prayer sought, the writ petition is allowed and a Mandamus is issued to the second respondent to conduct survey of the said properties. The petitioner shall submit all the relevant records to show her title to the said properties and the second respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter, pass orders either surveying the said properties and issuing a patta or rejecting the request. In the case of rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

05.12.2024

To

- 1.The District Collector,
Collectorate of Mayiladuthurai,
Mayiladuthurai,
Mayiladuthurai District.
- 2.The Tahsildar, Mayiladuthurai,
Mayiladuthurai District.



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P.T.ASHA,J

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