



WEB COPY



W.P.No.26675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.26675 of 2024

and

WMP.No.29199 of 2024

Vasumathi

...Petitioner

Vs.

1. District Collector,
O/o. District Collector,
Palladam Salai, Tiruppur.
2. The Tahsildar,
O/o. Tahsildar,
Tiruppur South, Tiruppur.
3. Taluk Surveyor,
O/o. Taluk Surveyor,
Tiruppur South, Tiruppur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing 2nd and 3rd respondents from survey the land in Survey No.298/1A2 comprising an extent of 0.49 Hectare situated in Aandipalayam Village, Tiruppur South Taluk, Tiruppur in view of the representation dated 25.07.2024.



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For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.S.J.Mohamed Sathik
Government Advocate

ORDER

The petitioner herein seeks a writ of Mandamus forbearing the respondents 2 & 3 from surveying the land in Survey No.298/1A2 measuring an extent of 0.49 Hectare situated in Aandipalayam Village, Tiruppur South Taluk, Tiruppur, by considering his representation dated 25.07.2024.

2. According to the petitioner, the above mentioned property originally belonged to one Kaliappa Gounder. After his death, the same was partitioned among his legal heirs on 12.08.1992. Accordingly, 'C' schedule property was allotted to the petitioner's husband by name, Duraisamy. Thereafter, the petitioner's husband executed a settlement deed in favour of the petitioner on 25.05.2010 and she have been in possession and enjoyment of the said property. While so, the third respondent on behalf of the second respondent, without having any right over the above said property, issued a notice in Na.Ka.No.950/2023-2024 to the petitioner to survey the said property. Therefore, the petitioner submitted a representation on 25.07.2024 to



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the respondents requesting not to survey the property. The said representation has not been considered till date. Therefore, the petitioner is before this Court.

3. Mr.S.J.Sathik Mohamed, learned Government Advocate, who takes notice for the respondents would submit that adjacent to the petitioner's property, there is a poromboke land in Survey No.294 /3 and in order to earmark the same, the respondents wanted to survey the property.

4. In view of the above submission made by the learned Government Advocate, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the second respondent to consider the representation of the petitioner dated 25.07.2024, in the light of the title documents of the petitioner and take final decision with regard to survey of the property, and pass final orders, after issuing notice to all interested parties, within a period of six weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

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To

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O/o. District Collector,
Palladam Salai, Tiruppur.
2. The Tahsildar,
O/o. Tahsildar,
Tiruppur South, Tiruppur.
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S. SOUNTHAR, J.

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