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W.P No.30466 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.30466 of 2024

T.Kalavathi

...Petitioner

Vs.

The Tahsildar,
Attur Taluk, Attur,
Salem District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent / Tahsildar, Attur Taluk, to depute competent Surveyor to inspect, measure and fix the boundaries stones in respect of the land viz., Common Cart track having 8 feet width comprised in Survey Nos.727/2, 3, 4, 5 & 756 of Paithur North village and Branches of from Paithur to Thammampatti Main Road, Attur Taluk, Salem District.



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For Petitioner : Mr.K.Premkumar

For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks a direction to the respondent to consider the representation dated 15.06.2024 seeking survey of the “Common Mamool Cart Track” with the measurement of 8 feet width, in Survey Nos.727/2, 3, 4, 5 & 756 of Paithur North Village, Attur Taluk, Salem District.

2. According to the petitioner, she purchased the property within an extent of 91 cents in S.No.727/2 in the above mentioned property along with right to use cart track and other easementary rights. When the petitioner's right to use the cart track was prohibited by one Arumugam and others, the petitioner filed a civil suit in OS.No.51 of 2022 on the file of the District Munsif Court, Attur and obtained an exparte decree. It is stated by the



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petitioner that the exparte decree has not been set aside till date. The petitioner submitted a representation on 15.06.2024 seeking survey of the cart track situated in S.Nos.727/2, 3, 4, 5 & 756, which is an access to the property purchased by her under a sale deed dated 28.07.1997 and the same has not been considered. Hence, the petitioner is before this Court.

3. Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondent would submit that the representation of the petitioner will be considered, on its own merits, within a time frame fixed by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the respondent to consider the representation of the petitioner dated 15.06.2024 and pass final order, on its own merits, within a period of 8 weeks from the date of receipt of a copy of this order, after affording opportunity to the petitioner and other interested parties.



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5. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

The Tahsildar,
Attur Taluk, Attur,
Salem District.



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S.SOUNTHAR, J.

dna

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