



W.P.No.31798 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.31798 of 2024
and
W.M.P.No.34560 of 2024

1. Sasireka
2. Buvaneshwari

... Petitioners

Vs.

1. The District Collector,
Office of the District Collector,
Tiruvannamalai District.
2. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
3. The Revenue Divisional Officer,
Tiruvannamalai Revenue Division,
Tiruvannamalai.
4. The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.
5. The Chief Land Surveyor,
Tahsildar Office,
Tiruvannamalai District.



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6. The Inspector of Police,
Mangalam Police Station,
Tiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the Respondents 4 and 5 to survey the land to the Petitioner representation dated 20.01.2024 based on 1st Petitioner request vide e-challan dated 18.04.2022 in Challan No.20220418004247 in respect of the property at Survey No.221/5 & e-challan dated 27.06.2022 in Challan No.20220627002573 in respect of property at survey No.272/3B2 in Patta No.3326 and 2nd Petitioner request vide e-challan dated 18.04.2022 in Challan No.20220418002566 in respect of the property Survey No.272/3B Patta No.3326 and e-challan dated 27.06.2022 in Challan No.20220627002331 in respect of the property Survey No.272/3B2, Patta No:3326 in Mangalam Village, Tiruvannamalai Taluk, Tiruvannamalai District.

For Petitioners : Mr.N.Ramachandran

For Respondents :

(For R1, R3 to R5): Mr.A.Selvendran

Special Government Pleader

(For R2 and R6) : Dr.C.E.Pratap

Government Advocate



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ORDER

This Writ Petition has been filed for a Mandamus to direct the 4th and 5th Respondents to survey the properties in Survey No.272 of 3B2, Patta No.3326 based on the Petitioners representation dated 20.01.2024.

2. The case of the Petitioners is that the Petitioners are the daughters of one Mr.Rajkumar, who had allotted properties in favour of the Petitioners during his life time. The 1st Petitioner namely Mrs.Sasirekha was allotted 1.00 acre of land comprised in Survey Nos.272/3B2 & 221/5 in Patta No.3326 at Mangalam Village, Tiruvannamalai Taluk, Tiruvannamalai District vide Document No.1347 dated 11.08.2021 and the 2nd Petitioner namely Mrs.Buvaneshwari was allotted 1.00 acre of land comprised in Survey Nos.272/3B2 & 221/5 in Patta No.3326 at Mangalam Village, Tiruvannamalai Taluk, Tiruvannamalai District vide Document No.1344 dated 11.08.2021.



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3. While so, when the Petitioners decided to survey the properties which was allotted in their favour vide Settlement Deed dated 11.08.2021, one Mr.Rajkumar, who is the brother of the Petitioners herein with a malafide intention had restrained the Petitioners from surveying the said properties and further stated that the Petitioners have no rights over the said property.

4. In this connection, the Petitioners have lodged a complaint before the 6th Respondent Police and the 6th Respondent Police conducted an investigation and has registered C.S.R.No.588 of 2023.

5. The learned counsel for the Petitioners would submit that the Petitioners have made several representations before the 4th and 5th Respondents to survey the properties, for which the Petitioners have also paid the necessary fees. However, no steps have been taken by the 4th and 5th Respondents for conducting survey in the said properties.

6. Heard the learned counsel on either side.



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7. Considering the request of the Petitioners and also the fact that the Petitioners have made their representation as early as on 20.01.2024, a mandamus is issued to the Respondents to conduct survey and subdivision of the petition mentioned properties. The Petitioners shall submit all the relevant records to show their title to the properties and the Respondents shall, after issuing notice to the Petitioner's brother Rajkumar, the adjacent land owners and interested parties, hold an enquiry and thereafter, proceed to pass orders either surveying and subdividing the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this Order.

8. With the above directions, these Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



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P.T.ASHA, J.

rgm

To

1. The District Collector,
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Tiruvannamalai.
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