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W.P.No.32706 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32706 of 2024

B.Dil Kumari

... Petitioner

Vs.

1.The District Collector
Namakkal,
Namkaal District

2.The Tahsildar,
Tiruchengode Taluk,
Namakkal District

3.The Head Surveyor
Tiruchengode Taluk,
Namakkal District

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to conduct survey in the petitioner's lands measuring 5.50 Ares (5920 Sq.R) comprised in S. No 63/4 Molasi Village, Tiruchengode Taluk Namakkal district by considering her application No. 2024 / 0123 / 000278 dated 30.01.2024 and pass such further or other suitable order as the Hon'ble Court deems fit and proper in the circumstances of the case.

For Petitioner : M/s.R.T.Vishnu

For Respondents :M/s.G.Velu, AGP, for R1 to R3.



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ORDER

The Writ Petition is filed for the issue of a mandamus directing the respondents to conduct survey in the petitioner's lands measuring 5.50 Ares (5920 Sq.ft) comprised in S.No.63/4 Molasi Village, Tiruchengode Taluk, Namakkal District by considering her application No.2024/0123/000278 dated 30.01.2024.

2. It is the case of the petitioner that the subject property, measuring an extent of 5.50 Ares (5920 Sq.ft.) comprised in S.No.63/4, Molasi Village, Tiruchengode Taluk, Namakkal District has been purchased by her husband from one Sumathi by way of a registered sale deed dated 18.05.2022, registered as Document No.4280/2022, on the file of the Sub Registrar, Tiruchengode. Since there was a disturbance in her enjoyment of the subject property by the neighbouring land owner, the petitioner had made an application with necessary charges on 30.01.2024 to the 2nd respondent to conduct a survey in respect of the above property. The same had not been considered to date.

3. It is the further case of the petitioner that though a notice dated 16.08.2024, was forwarded by the Deputy Inspector attached to the office of the 2nd respondent, stating that the petitioner's land would be surveyed



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on 28.10.2024, no survey has been conducted to date. Therefore, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Considering the request of the petitioner and also the fact that the petitioner has made her representation as early as on 30.01.2024, a mandamus is issued to the respondents 2 and 3 to conduct a survey of the petition mentioned property. The petitioner shall submit all the relevant records to show her title to the property and the respondents 2 and 3 shall, after issuing notice to 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 6 weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is allowed. No costs.

08.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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P.T. ASHA. J.,

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