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WP.No.36351 of 2024

In the High Court of Judicature at Madras

Dated : 09.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36351 of 2024

S.Santhi

...Petitioner

Vs

1.The District Collector,
Thiruvarur District.
Thiruvarur.

2.The Tahsildar, Thiruvarur
Taluk, Thiruvarur District.

3.The Head Surveyor,
Thiruvarur Taluk,
Thiruvarur District.

4.The Inspector of Police,
Kudavasal Police Station,
Thiruvarur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to conduct survey in the petitioner's land measuring 3.24 Hectares comprised in S.Nos.19/4, 19/5B, 19/5C, 19/7, 21/2A, 21/2B, 21/2C, 21/2D, 21/3 and 21/4, Kappanamangalam Village, Thiruvarur Taluk and District by considering her application in Application No.2024/0123/20/001461 dated 30.7.2024.



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For Petitioner : Mr.R.T.Vishnu
For R1 to R3 : Mr.G.Velu, AGP
For R4 : Mr.R.Vinoth Raja, GA (Crl.Side)

ORDER

Seeking a direction to the second respondent to consider her online application dated 30.7.2024 to conduct a survey in respect of the properties measuring 3.24 Hectares comprised in S.Nos.19/4, 19/5B, 19/5C, 19/7, 21/2A, 21/2B, 21/2C, 21/2D, 21/3 and 21/4, Kappanamangalam Village, Thiruvarur Taluk and District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader accepting notice for respondents 1 to 3 and the learned Government Advocate (Crl.Side) accepting notice for the fourth respondent.

3. The petitioner would contend that she purchased the property in S.No.21/2C measuring 42.5 Ares from one Mrs.Mala vide sale deed dated 14.3.2018 registered as doc.No.234 of 2018 on the file of the Sub-Registrar, Kudavasal. Subsequently, she purchased the properties in (i) S.Nos.19/5B, 19/5C and 19/7 measuring 19 Ares and (ii) S.Nos. 21/2A, 21/2B, 21/2D, 21/3 and 21/4 measuring 95 Ares, vide two



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separate sale deeds both dated 15.3.2018 registered as doc.Nos.236 & 237 of 2018 respectively on the file of the same Sub-Registrar from one Mr.C.Srinivasan. Again, the petitioner purchased the land in S.No.19/4 measuring 4.14 Ares vide sale deed dated 06.9.2018 registered as doc.No.926 of 2018 on the file of the same Sub-Registrar from the said Mr.C.Srinivasan. All the properties are situated at Kappanamangalam Village, Thiruvarur Taluk and District.

4. The revenue records were mutated in the name of the petitioner. She is in possession and enjoyment of the same. In order to develop the lands and put up a fencing, the petitioner made an online application on 30.7.2024 to the second respondent by paying necessary charges. Though the third respondent visited the said properties when the petitioner was away from station, no action was taken thereafter to conduct the survey. The petitioner was informed that there would be some objections from the adjacent land owners if the survey is attempted to be conducted. Hence the writ petition.

5. The fact that the said properties belong to the petitioner is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner purchased the said properties for a valid sale consideration, she made an online application on 30.7.2024 to the



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second respondent to conduct a survey in respect of the said properties.

6. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to consider the online application of the petitioner dated 30.7.2024 to conduct a survey in respect 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 the other interested parties, hold an enquiry and thereafter pass orders either surveying the said properties and or rejecting the request. If there is any disturbance while conducting the survey, the second respondent may approach the fourth respondent for necessary police protection. The aforesaid exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order. It is made clear that in the case of rejection, a speaking order shall be passed by the second respondent. No costs.

RS

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P.T.ASHA,J

RS

To

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