



W.P.No.35233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.35233 of 2023

Kaliammal

W/o.Karuppanna Kavundar

... Petitioner

versus

The Tahsildar,
Gopichettipalayam Taluk,
Gopichettipalayam,
Erode District.

.....Respondent

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider and dispose the petitioner's applications dated 16.06.2023 and 12.07.2023 to conduct survey and fix four boundaries of the petitioner's land situated at Koogalur Village, Gopichettipalayam Taluk, Erode District bearing Patta No.953, comprised in Old S.Nos.675/C1, 675/C3, 675/D1 and New S.Nos.1140/12 and 1140/13 measuring an extent of 27.75 cents.

For Petitioner : Mr.R.Soniaglory

For Respondent : Mr.A.Selvendran
Special Government Pleader

Pg.Nos.1/5



W.P.No.35233 of 2023

ORDER

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Mr.A.Selvendran, learned Special Government Pleader accepts notice for the respondent. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the respondent to consider and dispose of the petitioner's applications dated 16.06.2023 and 12.07.2023, wherein and whereby, she sought to conduct survey and fix four boundaries for her land situated at Koogalur Village, Gopichettipalayam Taluk, Erode District bearing Patta No.953, comprised in Old S.Nos.675/C1, 675/C3, 675/D1 and New S.Nos.1140/12 and 1140/13 measuring an extent of 27.75 cents.

3.The learned Special Government Pleader appearing for the respondent submitted that since the petitioner has not paid requisite fees to survey the land, the applications of the petitioner have not been considered.



W.P.No.35233 of 2023

4. On a perusal of the records, it is seen that the respondent has not sent any reply to the petitioner asking the petitioner to pay the requisite fees.

The petitioner has given application as early as on 16.06.2023 for conducting survey and fixing boundaries. If at all the respondent feels that the applications of the petitioner are not otherwise in order, they should have returned the applications to the petitioner to comply with the same in accordance with law or otherwise they should have advised the petitioner to pay requisite fees, instead the respondent simply kept the applications pending, which is not a proper course of action. Therefore, the petitioner is constrained to approach this Court. It is also noticed that the petitioner also not produced any receipt for payment of requisite fees for conducting survey.

5. Without going into the merits of the case, this Court directs the petitioner to make a fresh application with requisite fees within a period of one week from the date of receipt of a copy of this order. On receipt of the same, the respondent is also directed to pass appropriate orders on merits and in accordance with law, after issuing a notice to the petitioner, adjacent



W.P.No.35233 of 2023

owners and rival claimants/interested parties if any and after conducting enquiry, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

02.01.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No

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To

The Tahsildar,
Gopichettipalayam Taluk,
Gopichettipalayam,
Erode District.

Pg.Nos.4/5



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W.P.No.35233 of 2023

P.VELMURUGAN, J.

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W.P.No.35233 of 2023

02.01.2024

Pg.Nos.5/5