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W.P. No.5458 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5458 of 2024

Ummusalma.I.S.

... Petitioner

Vs.

1. The State of Tamil Nadu

Rep. by the Secretary to Government

Revenue Department

Fort St. George

Chennai - 9

2. The District Collector

Ooty, Nilgiri District

3. The Revenue Divisional Officer

Gudalur, Nilgiri District

4. The Tahsildar

Gudalur, Nilgiri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus Directing the 4th respondent herein to survey petitioner's land having an extent of 42 cents and bounded in the north by vacant land; south by Kotharvayal road and Krishnan land; east by cement road; west by Government waste land, having patta no.170



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comprised in Survey No.1009/3 situate in Tholmoola, Gudalur, Nilgiri District-643 212 and fix its boundaries and issue patta to the petitioner.

For Petitioner : Mr.Arun Swaminathan

For Respondents : Mr.A.Selvendran

Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus Directing the 4th respondent herein to survey petitioner's land having an extent of 42 cents and bounded in the north by vacant land; south by Kotharvayal road and Krishnan land; east by cement road; west by Government waste land, having Patta No.170, comprised in Survey No.1009/3 situate in Tholmoola, Gudalur, Nilgiri District-643 212 and fix its boundaries and issue Patta to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner made a representation dated 17.09.2023 to survey the land, fix its boundaries and to issue Patta to the petitioner and she also paid the requisite charges through E-Challan vide E-Challan No.20231123014823



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on 23.11.2023. However, the same has not been considered so far. Hence,

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the present Writ Petition is filed.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents.

4. As per the prevailing practice, the applications for transfer of Patta, issuance of Patta, issuance of Separate Patta and for Surveying the land, applications have to be made through online and the requisite fees have to be paid through e-Challan and only thereafter, the applications will be scrutinized and action would be taken by the revenue authorities. In this case, it is seen that the petitioner has only made a representation on 17.09.2023 to survey the land and she has not produced the copies of the online application and the E-challan to show that she has made online application.

5. However, since this petition is filed seeking a simple writ of mandamus to survey the land, this Court without expressing any opinion with regard to the merits of the case, directs the 4th respondent to consider



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the petitioner's application/representation dated 17.09.2023 and the alleged

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e-Challan dated 23.11.2023 if the same are otherwise in order or else, the petitioner shall make online application and pay the requisite fee through e-Challan and on receipt of the same, the 4th respondent shall consider the same if it is otherwise in order and pass orders on merits and in accordance with law after giving notice to the petitioner, adjacent land owners of the four boundaries of the subject property, interested parties/rival claimants/objectors if any and conducting enquiry in the manner known to law, within the time as prescribed in the circular No.R1/2005632/2022 dated 17.07.2023 issued by the Commissioner of Land Administration.

6. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

04.03.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

1. The Secretary to Government



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P.VELMURUGAN. J.

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